SENATE—*Wednesday, March 14, 1984*

(Legislative day of Monday, March 12, 1984)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Honorable ROGER W. JEPSEN, a Senator from the State of Iowa.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

We know that in everything God works for good with those who love Him, who are called according to His purpose.—Romans 8: 28 (RSV).

Sovereign Lord, we thank Thee for the promise that though all that happens is not good, Thou dost work in all things for good with those who love Thee. Thou art able to recycle sin, failure, evil, tragedy, the worst of circumstances and transform them into that which is good. Thou dost turn that which is cursed into that which is blessed. Thou art the Sovereign Lord of History who doeth all things well. Help us, gentle Lord, to be reassured in this truth midst our struggles, failures, disappointments, frustrations, and reverses. In Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 14, 1984.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROGER W. JEPSEN, a Senator from the State of Iowa, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. JEPSEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

Mr. BAKER. I thank the Chair.

SENATE SCHEDULE

Mr. BAKER. Mr. President, after the two leaders are recognized, there will be a special order in favor of the Senator from Wisconsin (Mr. PROXMIRE).

May I inquire of the Chair, are there two special orders this morning?

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is to be recognized for not to exceed 15 minutes. And under the previous order, there will then be a period for the transaction of routine morning business not to extend beyond the hour of 11:45 a.m., with statements therein limited to 5 minutes each. Under the previous order, the hour of 11:45 a.m. having arrived, the Senate will then resume consideration of the unfinished business.

Mr. BAKER. Mr. President, during the time of the two leaders and perhaps during the time for the transaction of routine morning business, or whenever we can, there are time agreements that I hope we can get so that we can set up a schedule for the Senate that Members can understand.

First, of course, is the effort undertaken by the Senator from Connecticut and I, and others, to get a time agreement for a time certain to vote on the prayer resolution. I happen to know that there is a meeting proposed on that subject shortly after we convene, so I remain hopeful but I will not now put the request. I wish to speak to the minority leader on that, too, when we have a private moment.

Also, Mr. President, I hope we can get to the farm bill today. I described last evening a unanimous-consent agreement that I would like to propose on that which would provide in essence that we would set aside about 3 hours today to debate it overall or to dispose of it overall.

Mr. President, I should also like to propose, when we take up the bill, since it is so important to so many people, we provide that no amendments be in order, or no nongermane amendments at the very least, but that is a matter I will also discuss with the minority leader.

Mr. President, in addition to that, I hope that we can reach the supplemental appropriations bill today making appropriations for low-income energy assistance.

I am not sure at this moment what form that will take, that is, whether it will be without amendments or with an amendment, but I will report on that later.

I guess what I am saying is I am no better off this morning than I was last evening. I still have high hopes, but I do not have any birds in the hand.

Mr. BYRD. B-i-r-d-s.

Mr. BAKER. I was speaking of b-i-r-d-s, not B-y-r-d-s. The minority leader has made a pun.

Mr. President, I am saying these things, though, so Senators will be on notice of how the day will unfold and develop. If we can get a unanimous-consent agreement on the prayer amendment, then we will try to dispose of that as soon as possible. I see the Senator from Illinois (Mr. DIXON) on the floor and the minority leader. Perhaps the three of us can talk for a second with the Senator from Connecticut, who I think is within earshot.

On the agriculture bill, maybe we can get something done before we finish the time for the transaction of routine morning business.

The Appropriations Committee is still meeting at this hour, so it may be that they will have to finish that meeting before I can clear the request on the third item; that is, the supplemental appropriations bill. But there is a good chance we will have votes today on some or all of these matters, either on the prayer amendment, if we do not get an agreement to vote at a time certain tomorrow, or on the other two, as the case may be. So Senators should be on notice that there will be votes today, perhaps on a variety of issues. At this moment, I do not anticipate a late day. I would expect us to run until about the usual time.

Mr. President, that is all I have to say. I will say to the minority leader, if I may, that there are two messengers at the door, and I should like to reserve a moment of my time after he speaks in order to admit the messengers.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. BYRD. I thank the Chair.

Mr. President, I yield back my time or the majority leader's time.

Mr. BAKER. I thank the minority leader.

Mr. President, I have no further need for my time remaining under the standing order. I yield it back.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

Mr. PROXMIRE. I thank the Chair.

WHAT MUST WE ACCEPT IN THE NUCLEAR ARMS RACE?

Mr. PROXMIRE. Mr. President, what must we accept in the nuclear arms race?

First, we must accept the fact that neither the United States nor the Soviet Union will decide to eliminate or even to reduce its nuclear arsenals unilaterally. We also should accept the inevitable assurance that the nuclear arms race will continue unless both sides become convinced that the other side will comply with a treaty that both sides can confidently verify. Both sides must feel reasonably confident that the other lives up to the agreement. Whether the agreements can be only partial or whether they can be comprehensive depends on the reliability of verification. So we must accept the grim fact that if we cannot verify Soviet compliance with a particular element of any arms control treaty, then we must omit that element at least until we can develop the verification technology that can provide this knowledge. Verification is quintessential.

We must accept the fact that we can never completely eliminate nuclear weapons. The knowledge of how to make nuclear explosives is now held by scientists in dozens of nations. The genie has shot out of the bottle. We will never, ever stuff it back in again. There is no way that will permit us to destroy that knowledge. It is a grim, certain, and eternal fact of life. Even if both the United States and the Soviet Union should destroy all their nuclear weapons, even if we should prevail on France, Britain, China, India, and Israel to follow suit, the fatal knowledge—the know-how—would survive. The survival of that knowledge provides absolute assurance that, given the massive destructive power of nuclear weapons someone, somewhere, in some country, would build nuclear weapons. So as long as civilization survives on this planet, mankind must live with the presence of this potential destruction. Can we abolish nuclear weapons by eliminating the materials and equipment that are essential to their manufacture? No. But we can certainly reduce the potential spread of nuclear weapons by doing our best to stop the trade in heavy water and plutonium and nuclear equipment, all of which are essential for the manufacture of nuclear weapons.

We must also accept the overwhelming likelihood that the hatred and greed, the recklessness and fear that have pushed mankind into constant wars since the beginning of our species millions of years ago will continue. In fact, at this very moment, limited wars are raging in many parts of the world. Both the United States and the Soviet Union have engaged in shooting wars—taking and giving casualties within the last few months.

So we must accept the fact that we live in a world that could explode in nuclear war at any time and probably will do so within the next 40 or 50 years unless we are both wise and lucky. It is unlikely that a planned, premeditated nuclear war will occur between us and the Soviet Union. It is far more likely that a nuclear war will start by accident or mistake. It is most likely that, as the nuclear arms technology advances and spreads, a nuclear war will begin in some smaller nation or from a nuclear terrorist attack. We have all these forces working for war and against mankind's survival.

What do we have working for peace and for survival? First, we have a strong, and constantly growing recognition on the part of millions of people that nuclear war does, indeed, terribly threaten the lives of all of us. With that understanding, we have an increasing determination to force Government to take the strongest and wisest steps possible to deter nuclear war. We also have a recognition, which seems to be growing and nonpolitical, that the administration's primary reliance on winning the arms race by building up our nuclear capability is more likely to lead to war than to peace.

Certainly, there is no decisive public opposition to the administration. In fact, because the economy is doing so much better, and because the public applauds the decisive show of power commanded by President Reagan at Grenada, the administration is riding a strong wave of public approval. And the administration has succeeded in identifying its efforts at Geneva and in the negotiations over missiles in Europe with arms control in the minds of many. But the administration has not concluded any arms control agreements with the Soviet Union. It is proposing a massive half trillion dollar buildup in nuclear weapons over the next 7 years.

I will repeat that, Mr. President—a half trillion dollar buildup in nuclear weapons over the next 7 years.

The public is bound, as time goes by, to recognize the fact that on the biggest issue of our time—and, yes, the biggest issue in history—the survival of our country in the nuclear age, this administration is failing. It is very hard for us as Americans to accept this conclusion. We are patriots. We are proud of our country. In any conflict with the Soviet Union, it is our immediate instinct to conclude that we are right and the Soviets are wrong. Most of the time this is true. But this administration's present course is a failure and very likely to continue to fail. Why? Because we cannot begin to stop the arms race until we make the 20-year-old Test Ban Treaty comprehensive.

We can verify such a treaty, but this administration has failed to take advantage of this. Why? Because they make the fatal error of making constant modernization of our nuclear arsenal as our top nuclear priority. This is absolutely wrong. We should stop this runaway nuclear arms technology by stopping the one essential arms race element we can safely stop and verify—that is to stop testing.

THE TRAGEDY OF THE TIMORESE

Mr. PROXMIRE. Mr. President, for the past decade, citizens of the small, former Portuguese colony of East Timor have been genocidally decimated by the Indonesians.

On December 7, 1975, Indonesia invaded East Timor. In response, a few hundred guerrillas supported by local forces formed the Revolutionary Front for the Liberation of East Timor, a predominantly Catholic organization.

Timorese resistance backfired. An estimated 10,000 to 12,000 Indonesian troops, backed by helicopters, tanks, and aircraft began counterinsurgency actions.

Collateral damage and deaths resulting from this military offensive was, unfortunately, the least of the problems facing the people of East Timor. Sources within the Catholic Church claimed the counterinsurgency actions had completely disrupted the already precarious food supplies in the territory of the 700,000 Timorese. Indonesian troops had destroyed crops and prevented the farmers of Timor from reaching their fields or foraging food in the forests. In the central and eastern regions of Timor, food shortages were aggravated by a flood of refugees. At least 100,000 civilians died in the resulting famine.

The situation grew worse. Incendiary bombing which simultaneously destroyed crops and engendered mass starvation soon wiped out whole villages; their inhabitants were massacred or herded into concentration camps. Systematic abuses of fundamental human rights, including the use of torture and summary execution, became widespread. An estimated 4,000 presumed criminals of East Timor were executed in 1983 alone in an Indonesian "crackdown on crime."

Meanwhile, arrests have continued: 600 people were brought in for questioning recently in Dili, the East Timor capital, 125 in Baucau, and 34

in Viqueque. Eight schoolchildren, aged 14 to 15, were arrested in Viqueque and held for several days in a room so narrow they could not sleep.

In all, between 175,000 and 200,000 Timorese have been killed by the Indonesians. The rough equivalent for the United States would be a foreign invasion that caused the deaths of 50 million people.

Under the Genocide Convention, the United States would have the legal right to condemn the Indonesians for their appalling abuse of that sacred right of man to live.

We cannot ignore the plight of the Timorese, the Baha'is, the Soviet Jews, and other persecuted races. We cannot tolerate cases of genocide, the most heinous crime known to mankind, the planned, premeditated extermination of a national, ethnic, racial, or religious group.

Mr. President, I am proud to say that the rights of the individual are protected by the fundamental law of our land. However, we need to take one more step. We must ratify the Genocide Convention and extend to the rest of the world the values we hold most dear.

WHISTLING THROUGH THE GRAVEYARD

Mr. PROXMIRE. Mr. President, people are going back to work in record numbers, businessmen are spending for new plants and equipment, and the economy is growing faster than expected. Given all this unanticipated good news, why the recent worry on Wall Street? The answer: the deficits are the dark lining in this silver cloud.

The administration and the Congress are still talking about a "downpayment" on the deficit. But the spate of economic good news means that a downpayment is no longer enough. We must do more.

The recovery is a fragile flower which could easily lose its bloom if handled abruptly—that was the chorus heard here in Washington. But the economy is speeding along and the recovery is more akin to a bull in a china shop than a fragile flower.

Last winter, when talk of a downpayment began to be taken serious, the economy seemed to pause. The leading indicators sputtered. Gross national product went up but at a somewhat slower rate than anticipated.

Under those circumstances, a downpayment made some economic sense. Really cutting the deficit could have hurt demand at a time when the recovery seemed wobbly. Recent economic data, however, indicate that we should be worrying about the economy overheating, not a surprising sign considering the size of the deficits. A resurgence of inflation and the consequent paralyzingly high interest rates are much more of a threat than they were even 3 months ago.

Under these different circumstances, a downpayment is no longer sufficient. Congress is talking about proposals which would reduce deficits by about $150 billion, a sizable sum. Sizable; that is, until you realize that the Nation faces deficits amounting to about $700 billion for the same 3-year period. Even after making the downpayment, the deficit will be about the same in 1987, after 5 years of sustained recovery, as it will be in 1984, the second year of recovery after a deep recession. Some downpayment.

The whisper being heard is "Don't worry. Wait until after the election. That's when we will really cut into those deficits." What a self-deluding hope. Every sign points to a cliffhanger election and to a Congress little changed from the one now meeting. We will not wake up on Wednesday morning, November 7, and find the Capitol's lobbyists in hiding, the many political action committees scattered to the wind, the choices any easier to make.

What will have changed that morning? Another year will have been frittered away. In recent years, the Federal Government has made a habit of responding to the Nation's economic problems—about 18 months too late. The administration and Congress seem determined to make that error once again.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business of not to extend beyond 11:45 a.m. with statements therein limited to 5 minutes each.

BILL OF RIGHTS DESCRIBED AS "HEART AND SOUL OF AMERICAN DEMOCRACY"

Mr. SASSER. Mr. President, sometimes it is important to be reminded of the significance of the Bill of Rights in guaranteeing and preserving our individual liberty and freedom. Miss Summer Keel, a seventh grade student in the class of Mrs. Louise Smith at John Sevier Middle School, in Kingsport, Tenn., has written a very incisive essay in recalling the history and importance of the Bill of Rights, and particularly the first amendment.

Her essay on this subject won first prize among seventh grade students in Kingsport in a recent contest sponsored by the Sertoma Club of Kingsport.

She pointed out in her essay that the Bill of Rights was added to the Constitution as insurance against the tyranny of an oppressive government. She also pointed out the importance of balancing individual rights with the common good.

I wanted to call this excellent dissertation to the attention of my colleagues and other Americans because of its relevance to critical issues that confront the Nation today, and ask unanimous consent that the essay be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

[From the Kingsport Times News, Mar. 4, 1984]

THE BILL OF RIGHTS KEY

(By Summer Keel) [1]

The Bill of Rights is the greatest declaration of human rights of all time. It shattered all precedents. It sent a signal around the world that a new nation called the United States of America was indeed a country based on liberty and freedom. The inclusion of the Bill of Rights in the Constitution resulted from the strong conviction of important leaders in the constitutional convention that these rights should be guaranteed.

For Thomas Jefferson and James Madison, it was not enough for the new nation to be independent as a nation. They wanted to go further than any other nation in assuring every individual his or her basic human rights. They wanted to add an insurance program to the Constitution protecting the American people as individuals from the excesses of oppressive government.

For them it was not enough to simply assure the American people of the rights enjoyed by Englishmen. They wanted to assure the American people as individuals of rights which they considered essential to the pursuit of happiness and the functioning of representative government. They wanted a government of, by and for the people.

They knew that it was not enough to assert that basic rights ought to be guaranteed, as the English Bill of Rights and other similar documents did. They knew that these rights must be guaranteed in plain language—and they succeeded in their purpose.

They used the mandatory word "shall." Congress shall make no law interfering with freedom of religion or with freedom of speech or with freedom of the press. Freedom of religion was established as a right. It was assured. People were and are entitled to it. These informed leaders knew that there had been religious persecution despite the English Bill of Rights. Even the great democratic thinkers in Europe were only calling for tolerance of religious minorities. The bold stroke by our leaders was planned to ensure the right of every American to freedom of religion and freedom of the press and assembly and redress of grievances. This freedom of expression which the First

[1] Summer, a seventh grade student at John Sevier Middle School, is the daughter of Bill and Jean Keel. She won first place for her grade in the Kingsport Sertoma Club's Freedom Week Essay Contest, recently. The Sertoma Club sponsors this contest annually, as part of its celebration of February as Sertoma Freedom Month. Seventh graders at Sevier and Robinson Middle Schools wrote essays on "Which of the Bill of Rights I value most, and why." Eighth graders wrote on the topic of "Why is it important to vote? Why should I vote?" Other winning essays will be presented in this column during the coming week.

Amendment guaranteed is essential to the successful working of our democratic system. We must have free and informed people speaking their minds to make the system work.

The First Amendment is constantly being defined and redefined, interpreted and reinterpreted. The doctrine of free expression cannot condone abuse, the extreme abuse often illustrated by the example of a person who shouts fire in a crowded building when there is no fire. The general good has to be protected along with the individual rights of the people. Achieving a balance between these important rights is a constant challenge.

The shots fired at Lexington and Concord in defense of freedom were heard around the world. The words of the Bill of Rights which were made possible by the War of Independence were also heard around the world. Each of us has a responsibility to safeguard the basic principles and rights ensured us by the first amendment. We must uphold the principle that while we disagree, we will defend to the death the right of other Americans to voice their opinions.

A great judge once said:

"Liberty lies in the hearts of men and women: When it dies there, no constitution, no law, no court can save it."

The Bill of Rights is the heart and soul of American democracy.

JOAN BENOIT

Mr. COHEN. Mr. President, Maine is a State rich in natural resources. One of the most remarkable of those resources is a young woman named Joan Benoit, the finest long-distance runner Maine has ever produced.

She has long been known within Maine for her running talents, and that reputation has now spread throughout the country and the world as she has set a world record time for a marathon and holds U.S. marks for 10 and 20 kilometer competitions.

This morning's Washington Post printed an interesting interview with Joan, which I ask unanimous consent to have printed in the RECORD so that my colleagues might learn more about this remarkable young woman who has made her State so proud.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 14, 1984]

MARATHONER BENOIT: THE REIGN IN MAINE

(By Jane Leavy)

FREEPORT, MAINE.—Her eyes are slate blue, the color of the steely winter ocean outside her window. Joan Benoit's house sits on an icy inlet just down the road from L.L. Bean, where there are no locks on the doors and you can buy long underwear 24 hours a day.

Every morning, Benoit puts on her woolen longjohns and runs. Icicles cling to her face. She runs on, circling the same snowy loops day after day. The only thing that wanders is her mind. She thinks about her wedding next September, about knitting, cooking, the renovation of her 150-year-old house. And she picks up the pace because she realizes how much she has to do. But never does she think about stopping.

Here, in rugged isolation, away from the running communities where mileage is a form of currency, Benoit, the world record-holder in the marathon, has chosen to prepare for the 1984 Olympics. This strikes just about everyone but her as strange. "People think I'm an oddity training up here," she said. "I consider myself a perfectly normal Maine person."

The smile was wry. "The reason I'm in Maine is that it's where I grew up," she said. "I'm very comfortable around the ocean. I find the ocean is very much like my own personality. I can be so calm and soothing. Other times, I'm so turbulent and riled up. People get the impression I'm a hermit up here. I'm not. I'm surrounded by friends who accept me for who I am and not what I've accomplished in running."

Last spring, she won the Boston marathon in 2 hours 22 minutes 42 seconds, not just breaking the world record but obliterating it by almost three minutes. Her time was 25 seconds slower than the men's winning time in 1968.

She has not run a marathon since, eschewing the first world championship last summer in Helsinki and a confrontation with Grete Waitz, and won't run another until the Olympic trials in May. There are only so many marathons in her 5-foot-3, 105-pound body, she says.

That morning last April, when she stepped to the starting line, she brazenly handed her split watch to her trainer, Bob Severny. "She didn't want any barriers," Severny said. "If you got a watch, you've got barriers. If you look down and you see 32 minutes at 10 kilometers, you're going to think, 'Oh, my God, I'm going too fast.' "

Afterward, Benoit's time was challenged because Kevin Ryan, a marathoner working for a Boston radio station, had run with her. The charge that Ryan had acted as a pacer was dismissed in December at The Athletics Congress convention. But it was ironic that such an allegation would be leveled against someone as fiercely independent as Benoit, and it rankled. "I can't believe it was ever an issue," she said. "If you argue with that, you have to take every single track and field record."

She is a collector of things: records (she holds U.S. marks for 10 kilometers, the half-marathon and 20 kilometers), shells, driftwood, stamps, coins, dolls. She can not bear to throw anything away. "I always think something's got potential," she said. "Ask my mother what I've got under my bed."

Mostly, she collects her thoughts. She is cautious about how many of them she shares and with whom. The gears are always churning. No matter how much she says, you wonder what is left unsaid. "I've got too many things going on inside my head," she said. "People think I'm out to lunch. Spacing out."

She has a reputation as a reluctant interview. For many years, her grandfather wrote a column called Top of the Morning for a Boston newspaper. "I was always told that the less in the paper about you, the better," Benoit's mother said.

"People in Maine are reticent," said Dick Brown, administrator of Athletics West, the club Benoit runs for (she would run for a club located 3,000 miles away). "It's a nice quality. They say what they need to and that's it."

After she won in Boston in 1979, Benoit said she would never run a marathon again. "Everyone wanted another piece of me. If I didn't give it to them, I was terrible. It was a huge maturing process for me."

At age 26, she has reached an uneasy truce with fame. She does what she must to accommodate it, but mostly she does it alone. "I think running is my challenge," she said. "It wouldn't be as large a challenge if I involved other people. I get advice. But it's not like they're monitoring me. I swore up and down I'd never get an agent."

But after the victory in Boston, she hired an attorney, Ed Whittemore, to handle the requests. Whittemore says she since has turned down about $200,000 in endorsements, as well as an opportunity to appear on the Phil Donahue Show. She accepted a one-year deal as fitness consultant to Dole because the company didn't ask her to do anything before the Olympics and because she uses its pineapple in a salad she makes.

Her marketability (potential long-term deals), her upcoming marriage and her delicate Achilles' tendons are forcing her to consider how long she wants to compete. The pieces are there, but she hasn't quite figured out where they all belong.

"I'll always run," she said. "How long I compete at the rate I'm competing won't be much longer. I may compete three years or five years or 10. I may have a family and come back."

She considered retiring in 1982, when she had surgery on her Achilles' tendons. She would rather quit early than leave as a cripple. She thinks about graduate school in environmental studies, a concern born from her running. Her fiancee, Scott Samuelson, is applying to business school, which could mean a move back to Boston, where she coached the women's distance team at Boston University until last June. Cities make her shudder. But the idea of having her life organized around somebody else for a change is very appealing.

She does volunteer work in the admissions office of her alma mater, Bowdoin, and has taken up cross-country skiing. "People ask me if L.A. doesn't work out, would I hang around for Seoul?" she said. "I tell them my aspirations are more to Calgary (the site of the 1988 Winter Olympics). I'm not being facetious at all. I'd like to switch to cross-country."

People think she is crazy to ski. She tells them running on icy back roads is far more dangerous. But it was a skiing accident in her sophomore year in high school that started her running career. "I always wanted to make it to the level I am in running in skiing," she said. "I started running to get back into shape for skiing. I just love it."

When she began, she was such an oddity that she walked whenever cars passed. "A few years later," she said, "I felt I was joining a parade."

She was an unspectacular Maine state champion in the mile—her best times were around 5:20—and made it to the finals of the Olympic trials in 1,500 meters. "What she did is put her high school mile back to back for 26 miles in Boston," said Brown, "which is phenomenal."

Her training schedule includes twice daily runs and splitting wood. She is committed to at least one road race, a 10-kilometer, this spring.

Severny has no doubt that she can break 2:20. But he says it won't happen this year. At the trials, she will be concerned only with making the team. That heat and smog in Los Angeles will be conducive to a tactical race, not a record. "I don't know how much faster I can get," she said. "Maybe we'll never know. I may not be competing that hard after the next year."

She is a wisp of a will. You wonder where it comes from. "She grew up with boys," her mother said matter of factly.

"I know I started training because I broke my leg skiing," Benoit said. "We were brought upon skiing because my father was in the 10th Mountain Division of the Army. My father has always been a hard worker. My mother is very dedicated, a dedicated mother. They never quit on us."

She has finished every marathon she ever started. She has never quit in the middle of a training run, never walked in. It is a methodical, compulsive process. "Every once in a while, there's a moment of joy, and that's what I do it for," she said. "This morning, it was below zero and the wind was in my face. I had icicles all over my face and my fingers were curled inside my mittens and I said I better not stop. I turned out of the wind and it was a great run.

"I know I'll be in trouble the first time I give in. I've been entertaining the thought more and more frequently. Then I realize that I've got plans for this year. If I can just hold on a bit longer, that's when I usually start running my best."

The obsessiveness troubles and enlivens her. "I get down on myself," she said. "I spend all this time running. Why don't I do something constructive? I've thought about going to medical school. I don't know if I could get in. But I'd want to do sports medicine. How could I work with all those compulsive athletes who defy doctors' orders and not work with someone who wants to walk or see or live?

"It's funny. I'm attracted to things that don't have any impact on life. People say I've done a great thing for women. I don't think I have. People say I've given people courage. That makes me feel good, but I don't see how I do that.

"I think my running is a selfish thing. But it provides the challenge that allows me to feel good about myself. How can I expect to do well in other activities if I don't feel good about myself?"

So she keeps running in circles, she has eight loops. She tests herself and her fitness against them. "I'll go out on a 2½-hour run and say, 'I could be in Boston. what have I done? I've run one big circle.' It's a compulsive thing. That's where I get hung up."

In the quiet of the winter, she lies on her living room floor wrestling with her puppy Creosote and the contradictions. A pair of dog-eared running shoes sits by the woodburning stove, the only sign of the athlete.

She thinks marathoning is "nuts." It still seems crazy," she said. "I ask myself why I'm running in circles. I'm always running in circles in every facet of my life, including my running. I always have too many irons in the fire. When I do, I'm not happy. When I don't, I'm not happy."

She is thinking about writing a book, one of the many ideas that flicker through her head. The title? "That's a good question," she said. "Stark Raving Mad'?"

She has been thinking it over and has decided she's not. "I don't think I'm ridiculously hooked," she said. "Now I'm finding time for my runs instead of fitting everything around my running. So I don't think I'm insane."

How would the journalist's granddaughter write about herself? "I'd probably put it in another section of the paper that wasn't the sports section," she said. "If you went into my bedroom of my parents' house, you'd never figure out what I do."

"Above it all?" her brother, said, teasing.

She gave him a look that said he knew better. It's a matter of definition, that's all.

DON CARRIGAN

Mr. COHEN. Mr. President, the television industry is frequently criticized for the lack of depth in local news coverage. In many cases, critics suggest, local television reporters become "personalities" who spend far more time crafting an on-air image than actually digging for news.

Like every person in public life, I have had experiences which would support these criticisms. But it is also my pleasure to know a television reporter in my hometown of Bangor, Maine, whose dedication, thoughtfulness, and professionalism has earned him a topnotch reputation for journalistic excellence.

Don Carrigan of WLBZ Television in Bangor has been reporting on the events which touch the lives of Maine people for more than 10 years. Don is more than a reporter; he is a native of Maine who cares deeply about the people of the State and the issues they face. He is a thoughtful and humane man who takes his responsibilities as a journalist, but not himself, seriously.

The Bangor Daily News recently printed a profile of Don, and I ask unanimous consent that the article be printed in the RECORD, for the benefit of my colleagues.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Bangor Daily News, Feb. 11, 1984]

TV-2's ANCHORMAN IS NO "FLASH IN THE PAN"—A PROFILE OF DON CARRIGAN

(By Christine Palmer)

On the paneled wall opposite the front door of television station WLBZ, Channel 2 in Bangor hangs a full-color picture of Don Carrigan. The reporter's portrait does not smile; it is a serious likeness of a man who takes his work seriously.

"I do not know precisely how I got interested in broadcasting," Carrigan said, straddling a chair in the middle of weather forecaster Carey Kinsey's office—the only quiet space handy to the station's crowded newsroom.

Carrigan said listening to late night radio talk shows as a kid growing up in South Bristol ("near Damariscotta") had something to do with it. Working at the University of Maine at Orono's student radio station (WMEB-FM) while earning a speech degree in 1973 did too.

"I was bitten by the bug then," Carrigan said. His first on-air assignment: play-by-play color commentary for a university football game.

That bug—"getting a little kick out of being the first to know what's going on"—still infects Carrigan.

"The whole process of communicating ideas fascinates me," he said. Being a news reporter is his "first love," and a job he sees as "an extremely important function to society. . . . Historically, the role of messenger has been an important one."

And a magical one.

"The idea that you can speak into a microphone in Bangor and someone in Millinocket can hear you still fascinates me," said the Lincoln Academy graduate who today anchors the TV2 "NewsCenter" broadcasts at 6 and 11 p.m.

Carrigan, 32, unmarried and a resident of Hampden, has been with the station for more than 10 years. His work is admired by his colleagues, valued by his employers and respected by even his toughest competitor, WABI-TV, Channel 5 anchorman Gordon Manuel.

"Don is a first-class professional," said Manuel. "He's not a flash in the pan, like someone who comes, gets what they can out of the market and takes off."

Manuel said he admires Carrigan for his concern for Maine, and his loyalty to his station. "I always felt that Don was like me," said Manuel, "extremely loyal to Channel 2 the way I am loyal to Channel 5. I look at him as one who is married to his station. That commitment is necessary to be in a small market station."

It was the summer of 1973 when Carrigan learned how to hustle for news. He did reporting and announcing for the UMO student station, held down an afternoon job at WLBZ-AM (now WZON) in Bangor and filled in evenings as a TV news reader for the Maine Public Broadcasting Network's "Maine News and Comment."

"Those were hectic work days," he said. But the pressure paid off. When WLBZ radio man John Wellington took sick, Carrigan filled in as that operation's news reporter. In that capacity, he met WLBZ-TV news director Mike Trudel, who later tapped Carrigan to fill in for a vacationing 11 p.m. anchorman. When that anchorman eventually resigned, Carrigan got the job permanently.

"I came in that night . . . and went right on the air," Carrigan recalled. "There was no break-in or training period then." Turns out that was a benefit. "That way," he said, "you don't know enough to be frightened."

Today, Carrigan can't afford to be scared. According to the November 1983 Nielsen figures, 33,000 households (roughly 50,000 people) tune him in each weekday at 6 p.m.

During his tenure with WLBZ, Carrigan has worn just about every hat there is to wear: reporter, photographer, news director, producer, anchorman.

"He apparently likes us, and we like him," said station manager Margo Cobb. She called him "thoughtful and intelligent," and said, "he's not a 'pretty face' anchor. He's a writer and an investigator."

Cobb had to think a bit, though, when asked to come up with any funny, unusual or otherwise amusing Carrigan anecdotes. Finally, she remembered the time the reporter and his photographer, Paul Salisbury, were shooting film on assignment somewhere north of Millinocket.

"They were shooting from a plane, which took off from a lake," Cobb said. "When Don went to get into the plane from a rock, the keys to the station's staff car fell out of his pocket into the lake." A wrecker had to tow the car back into town. "They arrived in town just as a parade was going on, so at the tail end of the parade, down comes Carrigan and Salisbury in the staff car, being hauled by a wrecker."

Despite those and other perils of the job, Carrigan says he is content to be covering Maine news and equally content to be staying in a small market, even while colleagues push on for fame—and sometimes fortunes—to larger metropolitan areas.

"I like the fact that somebody in Maine can get their news from somebody who's lived here, who knows the state," Carrigan said. Maine needs native news reporters, he added, to give depth to coverage of issues which affect the population and the environment. That can't come, he said, "from

someone who's just here for six months before going off to a better job in Albany."

There is a hint of regret in his voice, though, when he rattles off the names of former associates who have "graduated" to larger stations: Jeanne Meserve, who recently landed a position with ABC network news as a Washington correspondent; Michele Marsh, who left Bangor for a job in Texas, then went on to a six-figure salary with WCBS-TV in New York City; Dave Andrews, who honed his reporting skills at WEMT (now WVII) and today travels the world as a TV journalist for a station in Minneapolis; and Jonathan Levine, who left the news and weather behind at WABI for a position with WBZ-TV in Boston.

"There are times when I wonder if I haven't made a mistake, not going after the big city," Carrigan said. "But I'm not eager to enter the rat race." Besides, he added, he "doesn't like cities." Recruiters from both Buffalo, N.Y., and Florida once tried to lure him away, Carrigan said, but he wouldn't budge.

"I just think Maine's a wonderful place to live," he said. "I really care about the future of this particular piece of the planet, and the future of the people who live here."

Carrigan's immediate boss, news director Jeffrey Marks, said, "He knows what makes this area and Bangor tick. It's obvious he knows his community." Marks added. "The guy works 60 hours a week. I don't think he ever goes home."

Carrigan does go home, in fact, as often as he can. He said family ties—"roots"—help keep him in Maine. His parents, Donald Sr. and Diantha, still live in South Bristol. His sister is a lawyer who lives in Medomak.

Carrigan is happiest, he said, when he's out of the newsroom, gathering news. He said he is especially looking forward to an upcoming trip to New Hampshire to put together a pre-primary series of campaign reports.

When deadline stresses and frustrations build up, the bespeckled anchorman works them off by playing basketball and racquetball. He used to find release in community theater work, but gave it up when he became a full-time anchor.

"Being an anchor makes one highly visible," he explained. "And because people see you on the tube every night, they tend to have expectations of you. A bit of you becomes public property.

"That doesn't mean you have to go around in three-piece suits," he continued "but it does make it more difficult to do highly visible activities. People start to watch you as the guy on TV, not as the actor."

Though Carrigan admitted that being recognized in public is an ego boost, he said flatly, "I'm not a star. I'm a fairly average person." So average that he "drives a pick-up truck and wears beaten-up jackets."

Unfortunately, Carrigan said, TV stations still do hire news reporters on the basis of looks, not talent. But he's not sure the "relatively young" industry should be singled out for that fault.

"There's no question, all other things being equal, the more attractive person is going to get the job," he said, "but that's true in all fields." What's wrong, he added, "is when a slightly more attractive person beats out someone with more experience."

Carrigan, who at a solid 6 feet looks more like his idol Charles Kurault than any of the other TV journalists he admires (John Chancellor, Bill Moyers, Dan Rather), lives with the knowledge that he's not exempt from TV's standards of beauty.

"Probably most places in the country, I could not be an anchor," he said. "I don't have the looks."

In trying to explain his appeal to viewers, Carrigan kept it simple—and serious.

"I just look like I know what I'm talking about," he said. "I've been there. People have seen me beating the bushes."

"ALABAMA" CONGRATULATIONS FOR WINNING THE 1984 GRAMMY AWARD FOR COUNTRY MUSIC GROUP OF THE YEAR

Mr. DENTON. Mr. President, I would like to congratulate the country music group "Alabama," from Fort Payne, in my home State of Alabama, for winning the 1984 Grammy Award for "Country Duo or Group of the Year."

The Grammy Awards, which were first awarded in 1958, are sponsored by the National Academy of Recording Arts and Sciences. The Grammy statuettes, which depict an early gramophone, are presented annually in nationally telecast ceremonies to honor outstanding groups and individuals who have demonstrated outstanding creativity and accomplishment in artistic and technical areas of recording. Academy members and recording companies recommend recordings of merit released during the specified year.

To be awarded a Grammy is one of the highest honors in the entertainment field.

In a short time, "Alabama" has entered the ranks of entertainers such as Frank Sinatra, Henry Mancini, Tony Bennett, Barbra Streisand, the Statler Brothers, and the Beatles, all of whom have, during the last 26 years, own Grammy's for their musical and entertainment ability.

The members of "Alabama" are Mark Herndon, Jeff Cook, Teddy Gentry, and Randy Owen.

The group "Alabama" is well known in the country music industry and has received many awards during the past few years. Among those awards have been the 1982 Country Music Association's award for Vocal Group of the Year, Instrumental Group of the Year, and Entertainer of the Year. In 1983, the group received the CMA's awards for Top Album of the Year, Vocal Group of the Year, and, for the second year in a row, the Entertainer of the Year award. Only once before in the history of the Country Music Association has the award for Entertainer of the Year been won more than once by a single person or group.

The group was formed in 1972. In 1980, "Alabama" recorded the hit song, "My Home's in Alabama." It rose quickly to the top of the charts, both country and top 40, and the group has consistently had hit records ever since.

Along with its success, the group has shown an exceptional sense of civic responsibility. Since 1982, the group has held an annual benefit show in Fort Payne during the month of June. In 1982 it grossed close to $500,000 from the show and donated almost 45 percent to charity. In 1983, "Alabama" grossed nearly $600,000 and donated over 60 percent to charity.

The State of Alabama has reason to be proud of the members of "Alabama," not only because of the group's successes, but also because of the sense of compassion that its members have displayed. I extend my sincerest congratulations to the members of "Alabama," and I wish them both continued success and a continued sense of humanity and civic responsibility.

EMERGENCY SCHOOL AID EXTENSION ACT, S. 1256

Mr. DURENBERGER. Mr. President, 30 years ago, the Supreme Court, in *Brown* v. *Board of Education*, 347 U.S. 483 (1954), affirmed the importance of integration in our Nation's educational insitutions. In the most significant civil rights case ever decided the Court declared that:

> Separate educational facilities are inherently unequal . . . to separate children from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone, *Brown* v. *Board of Education*, Id.

One year later, in a second Brown decision, the Supreme Court identified appropriate mechanisms to secure effective enforcement. Federal district courts were delegated primary responsibility for supervision of the transition to a system of public education that is free of racial discrimination. Courts were permitted to rely upon traditional equitable principles and the public interest in the implementation of desegregation plans. Most importantly, however, the Supreme Court demanded that public school officials make a prompt and reasonable start toward full compliance.

Three decades later, after years of struggling to achieve equality and equity, we still need to facilitate school desegregation. The problem of segregation today is centered in the large metropolitan areas of the country and is most acute in the urban industrial centers of the Northeast and Midwest. None of the 10 largest metropolitan areas in the country has substantially desegregated school systems. In the 26 largest cities, three of every four black children are assigned to intensively segregated schools. Most inner city schools now have large black or hispanic majorities, while the suburban schools tend to be white.

To facilitate desegregation the Federal Government enacted the Emergency School Aid Act and, from 1972 to 1981, districts throughout the country benefited from this program. How-

ever, in fiscal year 1982, the ESAA was repealed as a separate program and funds for desegregation were consolidated into an education block grant.

Unfortunately, the block grants have meant less funds for desegregation efforts. It is imperative that we continue our Nation's commitment to civil rights and that we remove the blight of school segregation from this generation and all future generations of our Nation's children.

Senator MOYNIHAN has introduced legislation, the Emergency School Aid Extension Act of 1983—S. 1256, which would provide categorical assistance for State and local desegregation programs. I am pleased to cosponsor his legislation and am hopeful that the Senate will enact this measure at an early date.

Mr. President, I ask unanimous consent that a letter from Mr. Larry Harris, of the Minneapolis Public Schools, which outlines the importance of this issue be printed in the CONGRESSIONAL RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MINNEAPOLIS PUBLIC SCHOOLS,
Minneapolis, Minn., February 23, 1984.

Hon. DAVID DURENBERGER,
Russell Office Building,
Washington, D.C.

DEAR SENATOR DURENBERGER: I am writing in reference to the Emergency School Aid Act which has supported desegregating school systems in America for a number of years and which was blended into the Block Grant Program. Consequently, previous Minneapolis Public School ESAA funds were folded into the Block Grant Program and, along with St. Paul and Duluth ESAA funds, distributed throughout the state. This made ESAA funds available to many school districts in the state which serve no minority students.

I want to summarize some of the support provided by the Emergency School Aid Act in Minneapolis between the period of 1973–74 and 1981–82. The district received $6,458,877 during that time period. We received no money in 1976–77 because it was "St. Paul's turn" that year.

A number of programs were operative and I am going to summarize them. The ESAA money was important because it said to the citizens of Minneapolis that the federal government did care about the fact that districts such as Minneapolis were incurring extra expenses in order to provide a desegregated and integrated education for students who often lived in segregated neighborhoods. (We are enclosing a complete list of projects funded under ESAA.)

The ESAA money allowed students in desegregating schools to have an opportunity for special academic help which is not always restricted to low income criteria such as Title I.

Formation of an ESAA districtwide committee involving parents, students, teachers and community persons brought an added focus on desegregation and an awareness that the federal government did see itself as part of the team in correcting the evils of segregated housing.

Some of the programs which were made possible to support our desegregation effort under ESSA funds included reading and math instruction to help high need students in desegregating schools. This program operated for several years and served public and nonpublic students. Help was provided to students because they attended a desegregating school.

Desegregation aides were used in a number of schools to help transfer students to adjust to their new school. Desegregation aides work with staff, the students, with families and in many instances with the community around the school. The desegregations aides served as a bridge between minority students attending new schools in neighborhoods where they had never lived and sometimes never been.

The District used materials developed through the Title I Math Basic Skills Development Project as part of ESAA remedial math programs in order to save costs. We used materials developed with one set of federal funds in another program so as not to spend money remaking a wheel.

One of the frustrations of the desegregation program was that Title I students who were receiving math and reading help were often transferred to non-Title I schools. ESAA funds allowed us to provide Title I-type services to these students so that their moving as part of the desegregation program did not force them to lose special academic help.

A Parent/Community Outreach program operating through outreach workers was added in a number of schools to maximize participation of parents in newly desegregated schools.

In-service training was provided for staff desegregated secondary schools and in their feeder schools to increase understanding of students and to prevent dropouts. The desegregation/integration efforts of the Minneapolis Public Schools reassigned students so that many student bodies were vastly different than they had been over history. As an example, I attended Marshall Junior-Senior High School for my last six years of public school. During that six-year period, I remember one minority student who was in our school because he was in a wheelchair and all secondary handicapped students attended Marshall. The desegregation efforts of the Minneapolis Public Schools completely changed the complexion of Marshall. Not only were minority students to become part of the student body, the old southeast neighborhood complexion of Marshall was enriched by students from both north and south sections of Minneapolis. Special training for the staff was important in supporting the long-term success of Marshall.

The Central Magnet Program was developed with ESAA funds. The Central Magnet Program drew students from the whole south side. It provided a type of integration of a voluntary nature. It provided services to gifted, talented and high potential students. An excellent fringe benefit of the Central Magnet Program was that students who lived in the Central neighborhood had an opportunity to participate in the magnet program and to attend the high school which was enriched by bright, eager and active students. The Central Magnet Program has been moved to South High School.

The Henry, Edison, North Program (HEN) developed activities between and among three schools serving north and northeast Minneapolis with widely divergent racial and ethnic populations. The HEN program became the forerunner of the current trimester integration program between North and Edison where students in ninth, tenth, and eleventh grade spend one of three trimesters each year in the other school.

I firmly believe, Senator Durenberger, that the support of desegregation/integration efforts in the core cities of America is crucial if our country is to have long-term racial harmony. There has been a steady increase in the percentage of minority students in the Minneapolis Public Schools. In 1969 the district had 12 percent minority students and in 1983 the minority student population was 35.2 percent. Our district's minority population is a diversified population. In 1978, 1.5 percent of the student body were Asian Americans and in 1983 5.9 percent are Asian Americans. Our Asian American population grew from 679 in 1978 to 2,337 in 1983. We had 2,324 American Indian students in October 1983 which was the largest Indian student enrollment of any school district in the state. The Black American population in 1983 was 8,814 while we had 498 Hispanic Americans. The complexity of our district's population has added to the need for ongoing staff training due to the implementation of our Five-Year Desegregation/Integration Plan.

Senator Durenberger, I am writing because I believe the federal government may feel that it should have a limited role in education, but that the desegregation/integration of the American city schools is so crucial that our national government must continue its stake in those school systems which are desegregating and integrating their student bodies.

If you read the lead article in the Minneapolis Star & Tribune of February 15, 1984 you would have noted that benchmark tests for kindergarten students in the Spring of 1983 indicated that 19 percent of the students who take the benchmark tests wouldn't have been promoted. We hope that adjustments during the 1983–84 school year will cut the percentage of students who will be held back down to 10–12 percent. It is interesting to note, Senator Durenberger, that the percentage of Indian students who would have scored too low for promotion was 30.1 percent, Asian and Hispanic students 16.2 percent, Black Americans 37.8 percent and White students 11.8 percent. If school systems like ours can't provide the educational opportunities to help all the core city's students grow, our cities and nation will pay the price in the future.

I'm sorry that this letter is so long, but I believe the subject warrants the length and urge you to support efforts to develop an ESAA-type bill.

Please don't hesitate to contact us if you have any questions.

Sincerely,

LARRY HARRIS,
Director, Legislative and Community Relations.

PRESIDENT ZIA TAKES ACTION AGAINST ILLEGAL DRUGS

Mrs. HAWKINS. Mr. President, last December, I led a Senate delegation mission to a number of Asian nations, each of which play a critical role in the international drug trade. This mission was important in gaining a greater understanding of the flow of heroin and other dangerous narcotics from foreign lands to our towns and cities, and in pursuing steps toward stopping that drug flow before it reaches the United States.

Some of our greatest progress was made in Pakistan during discussions between our delegation and Pakistan's President, Gen. Mohammed Zia-ul-Haq. At our urging, President Zia signed into law a measure that will make it easier for his nation to prosecute narcotics dealers and provide stiffer penalties upon their conviction. The new law also makes it possible for Pakistan to crack down on heroin and opium activities within its borders and defend itself from outside drug traffickers.

Our successful meeting with President Zia is just one episode in what I hope and anticipate will be a long, constructive relationship between the United States and Pakistan. A continuing alliance between our new nations is in the best interests of, not only the international fight against drug smuggling, but, even more importantly, our own national security.

A cursory look at the map points out the strategic importance of Pakistan's position, a position that is certainly precarious for President Zia's government.

Located on the strategically vital Persian Gulf, which supplies 20 percent of all oil consumed by Western nations, Pakistan's relationship with the United States would be critical should any military conflict occur in that region.

To the north of Pakistan, lies Soviet-occupied Afghanistan. To its west is Iran, which remains fervently anti-American. To its east lies its longtime enemy, India, a nation with close political and military ties to the Soviet Union. Should U.S. military deployment in the Persian Gulf ever become necessary, our success could well depend on our ability to use Pakistan's friendly soil as a base for our forces.

Toward that end, the Reagan administration has negotiated an economic and military aid package with the Zia government, an agreement that recognizes the importance of a strong United States-Pakistan friendship.

A recent article in Parade magazine points out another important role Pakistan may be playing in that Southwest Asian region. Former New York Times reporter Tad Szulc wrote in Parade's February 5 issue that Pakistan is channeling weapons to anti-Soviet freedom fighters in Afghanistan and is accepting Afghan refugees, possibly as many as 3 million—one-fifth of the entire Afghan population.

Given the Senate's strong position on the Soviet occupation of Afghanistan, I think my colleagues will join me in appreciating the role President Zia's government appears to be playing in attempting to stem the spread of Soviet domination in Asia.

As I stated earlier, though, the reason I went to Pakistan was to meet with the Zia government to discuss the cooperation our nations could achieve in combating the international drug trade.

Pakistan is a key link in shutting down that drug flow. In 1978, southwest Asian heroin accounted for only 3 percent of the heroin imported to the United States. By 1980, that figure had grown to 51 percent. Since the Soviets occupied Afghanistan, opium cultivation has greatly increased in that country, leading to greater amounts of opium and heroin entering Pakistan from Afghanistan. President Zia told me that he believes the Soviets are using Afghanistan as a partner to promote drug trafficking to the West.

President Zia has assured me that his nation will give a higher priority to the fight against heroin trafficking, in terms of both money and manpower. His nation also said it would take action against any heroin refineries or banks involved in laundering drug money identified by the United States.

He said his nation would welcome additional personnel and training from both the U.S. Customs Service and Drug Enforcement Agency, as well as agricultural assistance to encourage substitute crop planting in what are currently opium fields.

We have an ally in Pakistan—an ally who is in a position to assist us from a strategic standpoint and in working toward the elimination of the dangerous, illegal heroin that ruins more American lives every day. I think President Reagan has done well in recognizing the importance of a constructive relationship with Pakistan. I think my colleagues in the Senate would do well to encourage and continue that policy.

Mr. President, I ask unanimous consent that an article from the February 5, 1984 Parade magazine be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Parade Magazine, Feb. 5, 1984]

CAN WE HELP A FRIEND WHO IS HELPING OTHERS? A REFUGE FROM WAR

(By Tad Szulc)

Should the Soviet Union attempt to seize power in the oil-rich Persian Gulf, the United States could prevent it only with the help of Pakistan—our one firm ally in southwest Asia.

But our friend's position is precarious. Haven for 3 million refugees from Soviet-occupied Afghanistan, a great many of whom are children, Pakistan finds itself increasingly imperiled—isolated amid the international storms raging around it and threatened from within by growing political pressures. The U.S., which finally, if belatedly, has begun to pay more attention to this nation of 90 million Moslems, cannot afford to ignore the dangers to Pakistan's stability.

As I flew recently en route to Pakistan over the Strait of Hormuz, the entryway to the Persian Gulf, symbols of the drama became visible. I could see the long line of oil-laden tankers, lifeline of the industrial West, steaming out toward the Indian Ocean. Later, near the legendary Khyber Pass in the bleak frontier mountains, I joined Pakistan troops guarding the Afghanistan border; from there, Soviet helicopter gunships are often observed swooping down to attack anti-Soviet Afghan guerrillas.

I also visited, in his home, Pakistan's controversial president, 59-year-old Gen. Mohammed Zia-ul-Haq. "In this vital region," Zia told me emphatically, "Pakistan stands today as the isolated bastion of the—free world . . . Pakistan safeguards the vital interests of the U.S. in the Persian Gulf, in southwest Asia and in this immediate region."

In the event that U.S. combat forces are engaged in the defense of the gulf—and the Reagan Administration, as the Carter Administration before it, is committed to engage them—access to air and naval bases in Pakistan would be vital to U.S. success. Because it borders on Afghanistan, from which a Soviet assault would most likely be launched, Pakistan would be the logical center for the defense of the southern part of the Persian Gulf. And, most important, the Pakistanis already provide military support to most of the gulf nations and quietly make it possible for anti-Soviet guerrillas in Afghanistan to keep fighting.

A superpower confrontation in this explosive region is, of course, a possibility. The U.S. and the Soviets both consider the Persian Gulf, already endangered by the ongoing Iran-Iraq war, crucial to their strategic interests. If access to the Persian Gulf—and thus to 20 percent of all oil consumed by the West—were threatened, the U.S. government has said it would engage marines, soldiers, sailors and airmen of the Rapid Deployment Force to keep the gulf open. The Soviets, who now virtually encircle Iran on the gulf's coast, are certain to respond in kind. The outcome could well depend on Pakistan's willingness to let U.S. forces use its bases.

President Zia and his political and military advisers shy away from public discussion of how Pakistan actually acts in support of Western interests. However, as I learned in Pakistan, this is what is happening there:

Since the December 1979 Soviet invasion of Afghanistan, Pakistan has accepted 3 million Afghan refugees, one-fifth of Afghanistan's population—a huge drain on Pakistan's resources.

These refugees, who are mainly concentrated in districts adjoining the border, have become a manpower source for the anti-Soviet guerrillas in Afghanistan arrayed against the 110,000-man occupation army. And the 60 refugee camps around Peshawar in Pakistan's Northwest Frontier Province are rebel sanctuaries. This may explain why aircraft with Afghan markings repeatedly violate Pakistani airspace—to gather intelligence about the camps and rebel movements. In September, a Pakistani village actually was bombed.

At the Kacha Garhi camp on the outskirts of Peshawar, an administrator told me that the refugees have devised a system for their men to go back to Afghanistan "turn by turn" for three to six months to fight the Soviets. Often, the fighters return to Pakistan just long enough to recuperate inside the border, then go back to do battle. Wounded Afghans are treated at Pakistani hospitals, with no questions asked. In the camps, parents teach their children never to lose faith in Afghanistan's future freedom.

Weapons for Afghan freedom fighters are channeled through Northwest Frontier

Province—there is no other route—although the government in Islamabad, Pakistan's capital, does not officially acknowledge this trafffic. The arms are known to be collected and delivered by the U.S. Central Intelligence Agency as well as by China and Egypt, with much of it being financed by Saudi Arabia.

To cover up Western involvement in support for the anti-Soviet guerrillas (it can now be reported for the first time), Soviet-made arms are secretly purchased from Israel, which captured them from Syria and Egypt in past wars. The rebels could not survive without this aid, although so far not enough is available to them—surface-to-air missiles for use against Soviet planes and helicopter gunships are needed the most.

President Zia went out of his way to emphasize the importance of the Afghan freedom fighters to Pakistan's own security. "Today it is Afghanistan," he said, "but tomorrow it may be Pakistan. They are buying time for Pakistan."

The presence of Pakistani military and technical personnel in the Persian Gulf countries, including Saudi Arabia, is meant to assure security as well as orderly economic development, and it is absolutely essential for stability in the region. "In every country of the Persian Gulf," President Zia told me, "you find Pakistani laborers, technicians, educators, doctors. Whenever help is required, we are there. And we also have a little bit of military influence."

The president was being modest. There are Pakistani military advisers in key positions in most Persian Gulf countries—notably in Oman at the mouth of the Strait of Hormuz, gateway to the gulf. In addition, Western military experts say that more than 10,000 Pakistani troops have been quietly assigned to Saudi Arabia to bolster security for the kingdom's ruling family following the 1979 assault by fanatics on the holy mosque in Mecca.

But, as President Zia kept reminding me, his country is isolated and surrounded by conflict and hostility. A glance at the map suffices to explain Pakistan's importance—and vulnerability:

Afghanistan, to the northwest, has been under Soviet occupation for four years, enabling the Russians to establish a powerful presence in southwest Asia. Only a Pakistani province, Baluchistan, stands between them and the Indian Ocean. The Soviets have built six strategic airfields in Afghanistan and permanent bases for ground forces.

Iran, to the west, remains in the throes of a violent religious revolution with passionate anti-Americanism as its hallmark, and it may well be on the threshold of victory in its war with Iraq, which would further weaken what is left of stability in the Middle East. The Persian Gulf and its vast oil reserves are hostage to the Iran-Iraq conflict. But Pakistan wields influence in the region that the U.S. hopes will help to avert a disaster.

To the east of Pakistan lies India, a neutralist power with close political and military links to the Soviet Union. India is regarded by the Pakistanis as a natural enemy, and the two nations have had three wars since British India was partitioned to create an independent Pakistan nearly 37 years ago.

It is, of course, crucial to the U.S. for Pakistan to maintain its pro-Western posture, and the Reagan Administration (unlike the Carter Administration) has moved to recognize this fact. The U.S. has granted Pakistan a $3.2 billion aid package—divided equally between economic and military credits—over a five-year period, including the sale of 40 F-16 jet fighter-bombers, the most advanced in the U.S. arsenal. Six of them already have arrived.

But President Zia recognizes that the planes alone will not assure his nation's security. "It is immaterial whether you have five F-16s or 500 F-16s," he said. "As long as people know that the United States of America is willing to ensure the security of Pakistan—that's all."

U.S.-Pakistan relations have a history of misunderstandings—even though, since its independence in 1947, Pakistan has been a committed U.S. ally, while India has taken the road of neutrality.

In 1971, Pakistani secret diplomacy led to the opening of U.S. relations with China. But years elapsed before the U.S. lifted its standing embargo on military sales to Pakistan (while India kept being supplied by the Soviets). In 1979, military assistance was again curtailed because of suspicions that Pakistan was developing a nuclear weapon (India had exploded a nuclear device in 1974).

These suspicions have not been entirely allayed, and I asked President Zia to state for the record Pakistan's nuclear policy. "Pakistan has neither the means nor the intentions, nor the capability, to enter the military field of nuclear technology," he said. "But Pakistan will certainly try its level best to have nuclear technology for peaceful purposes only because we have no other alternative." Officially, the U.S. accepts this explanation, which made possible the F-16 sale.

Another problem, not publicly raised by the U.S. government, has to do with the character of the Pakistani regime. President Zia has ruled Pakistan in a highly authoritarian fashion since he led the armed forces in a coup in 1977—to this day, the country has lived under martial law—and Washington comes under criticism for being allied again with a military dictatorship.

This criticism has increased since demonstrations against the regime erupted in Sind Province last August. According to the government, 61 persons were killed between August and November and 4,691 have been arrested, roughly half of whom have been released. An unknown number of demonstrators were punished with flogging, permitted under Islamic law.

The Sind demonstrations, which have not spread to other parts of Pakistan, were organized mainly by the Movement for the Restoration of Democracy to demand immediate presidential elections. They were triggered when Zia announced that only parliamentary elections would be held, sometime in 1984, and that parliament may subsequently be allowed to choose a new president. But there is a great deal of skepticism that full-fledged democracy will soon return to Pakistan. The military is unlikely to give up its sway over the country, and some observers think that internal unrest will keep growing.

Aside from the repression in Sind Province, President Zia's rule does not appear excessively oppressive. The press practices self-censorship but publishes accounts of political strikes and demonstrations and often criticizes the government. Ministers are required to explain their policies before Pakistan's appointed federal council, which has no legislative powers but asks probing questions.

Pakistan, nevertheless, is a volatile society, and violence comes easily, especially when religious motives are involved. In November 1979, for instance, a crowd burned down the U.S. Embassy in Islamabad after Iran's revolutionary radio accused the CIA of staging the attack on the mosque in Mecca. Senior officials in the Pakistan government told me that Zia's opposition aims not only at the restoration of democracy but also at deep changes in foreign policy, such as making Pakistan neutral and ending support for the Afghan rebels. Such changes, these officials say, would push Pakistan away from the U.S. and the West. Advisers contend that the U.S., which can't afford to lose friends, should make Pakistan a top priority.

FRIENDS OF IRELAND—ST. PATRICK'S DAY STATEMENT 1984

Mr. KENNEDY. Mr. President, on behalf of the Friends of Ireland, I ask unanimous consent that this year's St. Patrick's Day statement, submitted today, may be printed in the RECORD.

There being no objection, the statement was orderd to be printed in the RECORD, as follows:

FRIENDS OF IRELAND—ST. PATRICK'S DAY STATEMENT

St. Patrick's Day 1984 arrives at a time of anticipation for all in the United States who are friends of Ireland and who seek progress toward a peaceful resolution of the conflict in Northern Ireland.

It is true that savage act of terror perpetrated in recent months remind us of the never-ending violence that has been the reality of life in Northern Ireland since 1969. Sectarian slayings by paramilitary assassination squads, the machine gunning of a congregation at prayer, the bombing of Christmas shoppers in London, the murder of public officials and elected representatives, and other senseless assaults proclaim the festering tragedy of Northern Ireland, where killing is no respecter of frontiers. Once again, the violence crossed the border to the Republic of Ireland, where the first Irish soldier ever was slain by the Provisional IRA.

Time no longer takes the side of peace in Northern Ireland; we are mindful of the words of Yeats that "Too long a sacrifice/ Can make a stone of the heart."

We unreservedly condemn the acts of violence on both sides; we renew our urgent appeal to all Americans to renounce the path of the bomb and the bullet and to reject the pleas of those who seek by word or deed or dollar to promote or condone the cause of violence.

Despite the killing and destruction, an emerging reality of a different sort gives hope on this St. Patrick's Day to the promise of a brighter future. We have been heartened by the work of the New Ireland Forum, which convened in Dublin in May 1983. Through the courageous and painstaking efforts of nationalist political leaders, the Forum is developing new approaches to dispel the underlying causes of the violence and relieve the heavy burden borne by the Irish people in human suffering and shattered hopes for progress and justice.

We urge all political leaders in Northern Ireland to review the Forum's work with open minds and open hearts. We hope that the report and recommendations of the Forum, soon to be issued, will be the basis for a new beginning in Ireland and for genuine progress toward peace and reconcilia-

tion. At this auspicious time, as the participants of the Forum approach the end of their deliberations, we wish them success in their historic effort to conceive a future that fully protects the rights and fairly reflects the aspirations of all the Irish people and each of the communities in Northern Ireland.

We also welcome the resumption during the past year of discussions on Northern Ireland between the Irish and British Prime Ministers. We commend the growing recognition in Great Britain that the problems of Northern Ireland cannot be met by security measures alone, but require a long-term political solution, acceptable to the Irish and British Governments and to the poeple of Northern Ireland. We ask the British Government to give urgent and continuing priority to Northern Ireland in the coming year and to consult closely with the Irish Government in the search for a solution. The work of the New Ireland Forum is a timely opportunity for a new and broader-based initiative to succeed.

The United States also has a role to play in facilitating the essential process of reconciliation within Ireland and between Britain and Ireland. We look forward to the visit this week by the Prime Minister of Ireland, Dr. Garret FitzGerald, his discussion with President Reagan, and his address to a joint meeting of the Congress. We hope as well that President Reagan will use the opportunity of his own visit to Ireland and Britain in June to explore the many ways—diplomatic, political, and economic—in which the United States can contribute to the search for peace.

As Friends of Ireland in the Congress, we renew our support for the great goal of Irish unity, and we pledge in the coming year to continue our efforts for peace and reconciliation. We intend to build on the relationships we have already developed with Ireland's political leaders, both north and south, including the links we have established with the Irish Parliament. We are heartened by the support we have received from our colleagues in Dublin whom we welcomed on their visit to America last July. We look forward to productive new exchanges in the future.

Above all on this St. Patrick's Day, we reaffirm our commitment to peace in Ireland and to a future in which all the Irish people—from both traditions and from north and south—will prosper and advance together. The attainment of this new Ireland is the worthy goal of all the United States who are truly friends of Ireland.

UNITED STATES SENATE

Edward M. Kennedy, Daniel Patrick Moynihan, Christopher J. Dodd, Max Baucus, Joseph R. Biden, Jr., Jeff Bingaman, Bill Bradley, Dale Bumpers, Robert C. Byrd, Thad Cochran, William S. Cohen, Alan Cranston, John C. Danforth, Dennis DeConcini, Alan J. Dixon, Pete V. Domenici, David Durenberger, Thomas F. Eagleton, John Glenn, Gary Hart, Orrin G. Hatch, John Heinz, Ernest F. Hollings, Daniel K. Inouye, Frank R. Lautenberg, Paul Laxalt, Patrick J. Leahy, Carl Levin, Spark M. Matsunaga, John Melcher, Howard M. Metzenbaum, George J. Mitchell, Claiborne Pell, William Proxmire, Dan Quayle, Jennings W. Randolph, Donald W. Riegle, Paul S. Sarbanes, Jim Sasser, Arlen Specter, Paul E. Tsongas, Lowell P. Weicker, and Pete Wilson.

HOUSE OF REPRESENTATIVES

Thomas P. O'Neill, Jr., Thomas S. Foley, James M. Shannon, Joseph M. McDade, Gary L. Ackerman, Frank Annunzio, Edward P. Boland, Don Bonker, Frederick C. Boucher, Silvio O. Conte, Lawrence Coughlin, William J. Coyne, Brian J. Donnelly, Thomas J. Downey, Richard J. Durbin, Bernard J. Dwyer, Roy Dyson, Joseph D. Early, Lane Evans, Walter E. Fauntroy, Vic Fazio, Edward F. Feighan, Geraldine A. Ferraro, Edwin B. Forsythe, Barney Frank, Sam Gejdenson, Bill Green, Frank Harrison, Dennis M. Hertel, Frank Horton, James J. Howard, William J. Hughes, Mary Kaptur, Barbara B. Kennelly, Joe Kolter, Peter H. Kostmayer, Robert J. Lagomarsino, Mel Levine, Elliott H. Levitas, Frank McCloskey, Matthew F. McHugh, Stewart B. McKinney, James F. McNulty, Jr., Edward J. Markey, Lynn Martin, Joseph G. Minish, Joe Moakley, Jim Moody, Bruce A. Morrison, Robert J. Mrazek, Austin J. Murphy, Henry J. Nowak, Mary Rose Oakar, Charles B. Rangel, Peter W. Rodino, Jr., John F. Seiberling, Jim Slattery, Lawrence J. Smith, Samuel J. Stratton, Bob Traxler, and Doug Walgren.

AID TO TURKEY

Mrs. HAWKINS. Mr. President, I recently offered a few remarks here on the floor of the Senate regarding the important steps that the Government of Turkey has taken to curb the cultivation of illegal opium poppies. The war on drugs is a serious matter, and I believe that we owe a debt to those countries that join us in combating this dirty business.

Aid to Turkey has become an issue for this Congress because of the President's request to provide increased economic and military support to the newly democratic government in Ankara. On Wednesday, March 7, 1984, the Subcommittee on Europe of the Senate Foreign Relations Committee held hearings on international security assistance to Southern Europe—which includes Turkey. Among the witnesses was former American Ambassador to Turkey, Parker Hart. Ambassador Hart is one of our foremost experts on the Eastern Mediterranean and his thoughtful remarks deserve wide distribution. Ambassador Hart points out Turkey's value to the NATO defense of Europe, and the unsuccessful impact of the 1975 arms embargo to Turkey which further weakened the NATO southern flank and gained us no leverage regarding the situation on Cyprus. His testimony raises some important issues that I believe we must address as we face the issue of increased aid for Turkey.

Mr. President, I ask unanimous consent that the statement by Ambassador Hart be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TESTIMONY BEFORE THE EUROPEAN SUBCOMMITTEE OF THE U.S. SENATE COMMITTEE ON FOREIGN RELATIONS, MARCH 7, 1984

Mr. Chairman: My interest in appearing here today stems from many years in the U.S. Foreign Service, specializing in the Middle East and in working on U.S. strategic problems of that area. This experience culminated in my posting as Ambassador to Turkey, 1965–1968, and my brief period as Assistant Secretary of State, 1968–1969. Since my retirement from Government in 1969 and my close affiliation with our National Defense University at Ft. McNair, I have followed with great concern the problems of the Southeast Wing of NATO. These have been deeply affected by episodic tensions between our allies Greece and Turkey over Cyprus and over bilateral issues in the Aegean seabed and in the air above it.

Our security problems were deeply aggravated by the action of our Congress in 1975 when it placed an embargo on arms to Turkey against the publicly expressed judgment of President Ford. That action dealt a severe blow to the capability of Turkey to perform its role designated by the Supreme Allied Commander, Europe. That role is crucial to the defense of NATO's Southeast region. To me and to many other close observers of the region that was a most irresponsible action and I come here today to urge that it not be repeated. I further urge that the Administration's request for military assistance to Turkey not be cut or diluted. In fact, I strongly recommend that, as in the case of Egypt and Israel, the military aid be entirely grant. Unlike those two countries, Turkey has a direct exposure to the Warsaw Pact of well over 1000 miles of land and closed-sea frontier.

Turkey's table of organization and equipment is far below the degree of modernization and readiness which is absolutely essential to deter—and to tie up in time of crisis—the massive superiority of ground, air and sea forces which face NATO's flank from the Caucasus, the Black Sea and Bulgaria.

When I was ambassador in Ankara, Bulgaria alone had as many standing diversions as Turkey, roughly 13, with considerable mechanization and air cover. The U.S.S.R. had several times that strength in the Caucasus, not to mention the Ukraine. The Warsaw Pact is estimated to have 75 divisions with huge air and sea powers which could be directed at once against Turkey and the Straits from many angles. Even with the help of a NATO quick reaction force from Europe it has been clear that Turkey would at once be engaged in a desperate struggle by its 740,000-man standing army, second largest in NATO, to keep its footing and to close the Straits.

Turkey's mission is to bottle up the enemy so as to protect NATO-South from a massive Soviet submarine and missile-bearing surface presence in the Eastern and Central Mediterranean. It still relies on the M-47 and M-48 tank of Korean War vintage.

Its F-5 aircraft, delivered while I was there in 1966, are obsolescent and must be replaced by the F-16, already delivered by us to Egypt and Israel. It will be co-produced in Turkey, but deliveries for use by the Turkish Air Force will not occur before 1987. Turkey's pilots are excellent as is the quality of its service personnel generally. Turkey's resources are stretched very thin, however. Its GNP, while improving dramatically since my service time in Ankara, is still the lowest in NATO; yet the 5.8 percent of

GNP it spends on defense is the highest in the alliance. Even that 5.8 percent does not represent the full cost, as Turkish soldiers get pocket-money only. Their families must send funds. You have heard that our Government estimates it would cost $60,000 to outfit and place one American soldier in Turkey. It costs the Turks $9,000.

I need not emphasize to this body what it would do to NATO's Central Front if the Warsaw Pact, already preponderant on the ground and in the air, were able to polish off quickly Turkey's defense capacity.

There is a converse side to all of this. The embargo of 1975 did absolutely nothing to solve the Cyprus question, but it did lasting damage to NATO interests and also to the foundation of trust which underpins U.S.-Turkish relations. The Turkish Government of the day, an elected one, had to react and it shut down our listening posts directed toward the U.S.S.R. They were reopened after the embargo was repealed just in time for us to witness the permanent loss of those we had built and used in Iran. A renewed closure of the posts in Turkey is not something we and NATO can afford. The Turkish-American relationship cannot endure a third body-blow after the Lyndon Johnson letter on Cyprus of 1964 and the embargo of 1975.

Mr. Chairman, a fair and impartial solution to the Cyprus problem is very much in our interest and will not be easy to attain, as the tortured history of intercommunal talks, begun in 1968, clearly shows. I have followed this quarrel for 26 years. Neither side has demonstrated much virtue or statesmanship. Both have simply shown that they can no longer live co-mingled, as they did for 82 years under British rule and earlier for 400 years under the Ottoman Empire. A settlement would make unnecessary any large Turkish military presence on the Island, but it would not restore Greek-Cypriot rule over Turks.

But, Mr. Chairman, Cyprus of itself by no stretch of imagination can compare with Turkey or Greece as a NATO and therefore a U.S. security imperative. Cyprus is at best a non-aligned state with a population about the size of that of the District of Columbia. Its Nicosia government is independent on an alliance with AKEL, the strongest Moscow-dominated party—in the Eastern Mediterranean. The policy of AKEL is to remove the British Sovereignty bases and to attack any semblance of military use of Cyprus soil by the U.S. Not a day goes by without an AKEL press attack of the U.S. and NATO and without praise for the USSR.

Mr. Chairman, we cannot afford to mortgage NATO again to this very parochial quarrel. It is likely to go on for quite a while, at least until we leave it alone and let Peres de Cuellar handle it. Punishing Turkey will not advance a Cyprus settlement one iota. Demanding that Turkey withdraw its troops before protection of the security and of the right to group equality of the Turk-Cypriot community is assured, is to ask the impossible. No Turkish Government is going to abandon that community to a repeat of the treatment it suffered from EOKA extremists of the period 1963 to 1974. Whether we find it logical or not, Turk-Cypriots will not accept minority status under Greek-Cypriot rule. Any federation or confederation agreed upon will have to provide full local autonomy and the capacity for local defense.

Cooperation between Turkey and Greece in NATO is essential to U.S. security. There is no American or Western European substitute for this on-the-ground manpower, equipment and training. Together they share guardianship of the Straits and its approaches. For either to be seriously weakened is to impose an impossible defense burden on the other; and, as has been pointed out by Averoff, former Defense Minister of Greece, Turkey is essential to the security of Europe, including that of Greece. I may add that Turkey is also the principal rock of stability in a very uncertain Middle East and since its return to elected government, it sets an example favorable to our interests in that region as a whole. It is the only parliamentary government functioning successfully in the Islamic world. In my view, its diplomacy in the Middle East has been far more sophisticated and effective than our own in recent years.

I therefore appeal to this Subcommittee to place the higher U.S. and NATO interests in first priority as it reviews the military aid program proposed by our Administration for Turkey and for Greece and not bind ourselves by ratios such as 10-7, by inacceptable conditions or by outright cuts responsive to the wishes of certain domestic pressure-groups in this country.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. KASSEBAUM). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Madam President, all time for the transaction of routine morning business has expired, I believe, and I ask the Chair to state the business before the Senate.

The PRESIDING OFFICER. Morning business is closed.

VOLUNTARY SCHOOL PRAYER

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the unfinished business, Senate Joint Resolution 73, which the clerk will state.

The bill clerk read as follows:

A joint resolution (S.J. Res. 73) proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Madam President, after more than a week of debate on allowing prayer in public schools, the central issue in my view remains the neutrality of government in the decision to pray or not to pray.

That neutrality does not exist today. A series of court decisions has created an official bias against the free exercise of religion in public schools, despite the Constitutional guarantee of the right to that free exercise.

And so I have concluded that we have no choice but to amend the Constitution to make still more explicit the neutrality of government in the free exercise of religion.

The gentleman from Connecticut, Mr. WEICKER, who has ably led the opposition to such a constitutional amendment, contends that school authorities have no right to prescribe a prayer for recitation by students. I agree.

The gentleman from Connecticut contends that there is no single prayer which could satisfy the ecclesiastical requirements of all religions. I agree.

The gentleman from Connecticut contends that the business of public schools is education and not religion, and I agree.

Indeed, our points of agreement are so many that I sometimes wonder how we arrived on different sides of the question at hand. And I question the accuracy, as well as the authenticity, of the letter my friend from Connecticut received last week stating "Keep up the good work" and signed "the Devil."

But we do find ourselves in disagreement over the question of whether any prohibition on public prayer is, or should be, constitutional. Mr. WEICKER says "Yes." I say "No."

After 10 days of debate, Madam President, the issue has been clearly drawn, and competing views on the issue have been clearly and comprehensively stated.

I am pleased to see that, at least partly as a result of the Senate's extended consideration of this subject, the Civil and Constitutional Rights Subcommittee of the House Judiciary Committee has now scheduled hearings on the prayer in school issue.

As for the Senate, the time is at hand now to vote and to work our will on this important issue. The President has proposed an amendment, to which the Committee on the Judiciary has added language making clear that no official authority would be able to prescribe or mandate the substance of any prayer.

A vote on the President's amendment, as perfected by the committee language, will give us a fair accounting of the Senate's support or opposition on the prayer issue, and I hope we will take that vote no later than tomorrow.

UNANIMOUS-CONSENT REQUEST

Madam President, the unanimous-consent request I am about to put, I believe, will not be granted, but it is the request that I described last evening. I have supplied copies of it to the distinguished Senator from Connecticut and the distinguished minority leader. The distinguished Senator from Illinois is aware of its contents, I believe, as are other Senators here and on the floor.

Madam President, I ask unanimous consent that at 3 p.m. on Thursday, March 15, the Senate proceed to vote up or down on the committee amendment to Senate Joint Resolution 73.

I further ask unanimous consent that no other amendments be in order to Senate Joint Resolution 73 or the committee amendment.

Further, I ask unanimous consent that following the vote on the committee amendment, the Senate proceed to vote, without any intervening debate, motion, appeal, or point of order, on Senate Joint Resolution 73 as amended, if amended, and that paragraph 4 of rule XII be waived.

Madam President, I do not now put the request. I wish to be recognized.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Madam President, I will take just a moment, and then I will officially put the request.

We have spent 10 days now on this matter, and I pledged at the beginning of this debate that nobody was going to hurry to judgment, that we were going to try to deemotionalize this issue and give everyone an opportunity to speak. The fact that we have not had many takers does not detract from the fact that we have created an opportunity for Members to address this issue as they may wish.

I will not speak at length on the matter, except to say that it is still my desire to see this matter addressed by Congress and dealt with in this session, at this time, by the Senate. It is my objective not to pass a resolution that bears my name, but to pass a resolution to be submitted to the States which will make the State absolutely neutral in the matter of prayer, which I believe it is not now.

In any event, after these 10 days, it is time to get on with the votes.

I have already recited my conversation with the distinguished Senator from Connecticut on yesterday and today. I am grateful to him because he still is agreeable to voting on the pending business—not only the pending question, which is the committee amendment, as I understand it, but also on the resolution itself, which is the present prayer amendment. I thank him for that.

However, I am afraid that there will be an objection to it. I understand the reason why. I understand that the Senator I expect to object is well within his rights. But I hope Senators will understand that I have a responsibility to try to get this matter to judgment.

Therefore, Madam President, at this time I put the request I just stated.

The PRESIDING OFFICER. Is there objection?

Mr. DIXON. Madam President, reserving the right to object, I must say to my distinguished friend and colleague, the majority leader, that I voice this objection with the deepest reluctance, in view of his outstanding reputation for fairness to all Members of this body.

The reason for my objection is that the unanimous-consent request stated by the majority leader, in effect, narrows the issue before the U.S. Senate to a single up or down vote on the President's own request for his own constitutional amendment, in the terminology that the President and his supporters want, with no opportunity for the Members of the U.S. Senate to discuss all the other important questions that ought to be before this body and that are current in public thought in America.

This Senator stands for silent prayer and reflection in the public schools and for equal access in the public schools by all religious groups to exercise, on a voluntary basis, their own religious thought. But this Senator does not support audible, vocal prayer in the schools, nor does this Senator support any concept by virtue of which some prayer can be written by anybody and suggested to others as the prayer that should be recited in public schools.

My friend the majority leader is a fine man, and I know that he is dedicated to what he must do here, and he has a responsibility here. I wish I could accommodate him, because I know of no one in the Senate who is more accommodating to others. But what my friend wants to do here is to narrow a major debate in this country, affecting hundreds of millions of people, to a single question, when there are many other questions.

I have said to the majority leader, to the Senator from Connecticut and to others, that this Senator is perfectly willing to do anything to accommodate all points of view. I am willing to go to a time agreement by which we would take up every amendment and give 10 minutes to a side—not much time—and dispose of that amendment. I am willing to do that.

I said to the majority leader that I am willing to vote on the President's amendment, up or down—and I believe he will lose—and then come to my amendment; or—and I do not have pride of authorship—to the amendment of the Senator from Utah, which is also an amendment on silent prayer and equal access. I am willing to do that.

I am willing to do almost any reasonable thing to accommodate this place except to deny to the hundreds of millions of Americans who are watching this debate their right to be heard on any other question but the single question of what the President wants.

I like the President. He is entitled to want what he wants. This Senator wants something else, and they told me before I came to this place, maybe erroneously, that this is the most deliberative body in the world and if it is, we are on one of the issues that go to the very central core of our life in this country.

I wish to suggest that Americans would like to have us vote more than once. I am willing to vote however many times we have to vote on the issue starting right this moment when I conclude these remarks until every Senator here has had an opportunity to express his or her own point of view on every part of the issue so far as it affects education, the schools, and the right to worship your God according to the dictates of your own conscience.

So I wish, Madam President, that I could accommodate my friend, and I wish I could accommodate the other 98 Senators, exclusive of my friend and myself in this place, but I cannot.

I am willing to do anything at all to accommodate him and my friend from Connecticut and any other Senator here in connection with anything they want to do on any kind of time limitations, on any order of business or anything at all that will give us an opportunity to vote on anything but the single question the President wants us to vote on. I have rejected that out of hand, and I cannot accommodate my friend on that.

Mr. BAKER. And the Senator objects.

Mr. DIXON. And I do object, Madam President.

The PRESIDING OFFICER. Objection is heard.

The majority leader is recognized.

Mr. BAKER. Madam President, I have enormous respect for the Senator from Illinois. He is an invaluable Member of the Senate, and I have high regard for him, and that is why I said in my remarks preparatory to putting the request that he is perfectly within his right to make the point that he has just made and to make the objection he has just made.

What I am about to say is not in defense of my own position, but rather to explain why now after 10 days I was compelled to put this request. It goes back, as so many of my experiences do, to my early life and my father taught me practicing law that you can negotiate forever but finally a jury will make a judgment.

So it is here. We can argue forever and we can try to put together a synthesis of ideas and agreed language, but finally the Senate must work its will, and after 10 days it is time to begin that.

I thank the Senator from Illinois for his kind words and I know he will accept this explanation in the spirit in which it is intended.

Madam President, I inquire of the Chair what is the pending question?

The PRESIDING OFFICER. The pending business is the committee amendment.

Mr. BAKER. Madam President, I ask for the yeas and nays on the committee amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. Madam President, I am perfectly willing at this time now for the Chair to put the question on the committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. DIXON. Madam President, has the committee amendment been read to the Senate?

The PRESIDING OFFICER. Yes, it has been read, I say to the Senator from Illinois.

Mr. BYRD. Madam President, as I said last night, I am perfectly agreeable to what the distinguished majority leader has proposed.

Personally, I would be glad to vote on this committee amendment and then go immediately to the resolution in which event I would vote for the resolution whether it is amended or not. But I only express my own viewpoint as a Senator from West Virginia in saying that. I certainly have no objection to voting on this pending amendment now.

I think that Senators should understand what they are about to vote on and be given a little time in view of the fact that we had not announced previously that there would be a vote occur on this amendment at this particular time.

I am sure that the majority leader would not only understand my purpose in suggesting the absence of a quorum but he would probably be agreeable to that if he were asked.

I suggest the absence of a quorum.

Mr. BAKER. Madam President, will the Senator withhold that a minute?

Mr. BYRD. Yes; I am happy to withhold.

Mr. BAKER. I do understand, and I think the minority leader would acknowledge that I spoke to him just before I made my request and said as far as I was concerned after the request was dealt with, as it has been, we could go ahead and vote on the committee amendment.

So I just wish for the RECORD to show that I indicated as much to the minority leader and to the Senator from Connecticut and others.

But Senators should have an opportunity to be advised of this in advance and I wonder if the minority leader might be willing to examine the possibility of setting a time certain for the vote on the committee amendment.

Mr. BYRD. I am glad to.

Mr. BAKER. Say, at 1 p.m.

Mr. BYRD. Yes, I will be glad to.

Mr. BAKER. Madam President, I ask unanimous consent that time for the vote on the committee amendment occur at 1 p.m.

Mr. BYRD. I must say I could not agree to that. As a matter of fact, I am concerned. Personally, I would be glad to vote at 1 p.m. Additionally, I will be happy to run the wires on that probably.

Mr. BAKER. Very well.

Madam President, then I yield so the minority leader once more may suggest the absence of a quorum.

Mr. BYRD. I believe I have the floor.

Mr. BAKER. I apologize. The Senator does have the floor.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. HATFIELD. Madam President, will the Senator yield for a question?

Mr. BYRD. I am glad to yield for a question.

Mr. HATFIELD. If we are going to give opportunity for notification of Senators that a vote may occur shortly, rather than wasting our time, so to speak, in a quorum call, I wonder if the leader would consider possibly putting the question before us, setting aside by unanimous consent the current business, and let us get on with this supplemental that was reported out of the Appropriations Committee?

People are cold in this country, and they would like to get some heat in their houses, and we should be able to move that I think within the half hour between now and whatever time we vote.

Mr. BAKER. Madam President, will the Senator yield to me so that I may add to that?

Mr. BYRD. I yield to the majority leader at that point.

Mr. BAKER. I need just a moment to make any final clearance, but I believe we can do that.

I thank the Senator for yielding.

Mr. BYRD. Does the Senator from Washington wish me to respond?

Mr. BAKER. Oregon. The Senator is from Oregon.

Mr. BYRD. Oregon.

Mr. HATFIELD. The Senator from Oregon would be very delighted to yield to the minority leader, but it was once known as the Oregon country, and then we cut out the heart of the watermelon and make the rest of the State, and the remainder of the rind was for Washington State.

I am very happy to yield.

Mr. BYRD. I can understand the good Senator and very able Senator and great friend of mine, and I say that advisedly and after much consideration. He is a great friend of mine. I can understand the umbrage that the Senator may or may not have taken. I quite often feel that same way about the great State of West Virginia when people say to me, "Well, I have been down to your father's apple orchards," and, "Oh, I know some people in Richmond," and so on and so on.

So I try upon every such occasion to stand firmly in defense of the sacred name of my great State of West, by golly, Virginia.

Does the Senator and the majority leader wish me to inquire of my colleagues as to whether or not they would be agreeable to going on the other bill?

Mr. BAKER. Yes.

If the Senator will yield, I would like just a moment to do my final clearances, which I do not think will take more than 5 minutes, if the minority leader would be inclined to run his traps, as we say, and see if we can agree to take up the supplemental on low-income energy assistance. Then I would be happy to try to do that while we are trying to clear a vote at 1 p.m. on the committee amendment.

Mr. BYRD. I say to the Senator from the State adjoining the State of Washington that I beg his indulgence and I say, as he knows, it was not international. Suppose we try on our side to see if we can proceed in the manner that the Senator from Oregon has suggested.

Mr. HATFIELD. I thank the Senator.

Mr. BYRD. In the meantime, does the Senator wish a quorum?

Mr. BAKER. The Senator has the floor, and if he would suggest the absence of a quorum, I think it would be highly appropriate.

Mr. BYRD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

Mr. BAKER. Mr. President, what is the pending question?

The PRESIDING OFFICER. The committee amendment is pending.

Mr. BAKER. I ask the Chair to request the clerk to state the committee amendment.

The PRESIDING OFFICER. The clerk will state the committee amendment.

The legislative clerk read as follows:

On page 2, line 9, strike the word "prayer" and insert in lieu thereof "prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools."

Mr. BAKER. Mr. President, I simply wish to say that although this is a committee amendment and was added after the President's resolution was introduced, the President and the administration support the committee amendment.

VOTE ON COMMITTEE AMENDMENT

The PRESIDING OFFICER. The question is on agreeing to the committee amendment on page 2, line 9. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Maryland (Mr. MATHIAS) and the Senator from Illinois (Mr. PERCY) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Mr. PERCY) would vote "yea."

Mr. CRANSTON. I announce that the Senator from Ohio (Mr. GLENN) and the Senator from Colorado (Mr. HART) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—96

Abdnor	Ford	Mitchell
Andrews	Garn	Moynihan
Armstrong	Goldwater	Murkowski
Baker	Gorton	Nickles
Baucus	Grassley	Nunn
Bentsen	Hatch	Packwood
Biden	Hatfield	Pell
Bingaman	Hawkins	Pressler
Boren	Hecht	Proxmire
Boschwitz	Heflin	Pryor
Bradley	Heinz	Quayle
Bumpers	Helms	Randolph
Burdick	Hollings	Riegle
Byrd	Huddleston	Roth
Chafee	Humphrey	Rudman
Chiles	Inouye	Sarbanes
Cochran	Jepsen	Sasser
Cohen	Johnston	Simpson
Cranston	Kassebaum	Specter
D'Amato	Kasten	Stafford
Danforth	Kennedy	Stennis
DeConcini	Lautenberg	Stevens
Denton	Laxalt	Symms
Dixon	Leahy	Thurmond
Dodd	Levin	Tower
Dole	Long	Trible
Domenici	Lugar	Tsongas
Durenberger	Matsunaga	Wallop
Eagleton	Mattingly	Warner
East	McClure	Weicker
Evans	Melcher	Wilson
Exon	Metzenbaum	Zorinsky

NOT VOTING—4

Glenn	Mathias
Hart	Percy

So the committee amendment on page 2, line 9, was agreed to.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Is the majority leader seeking recognition?

Mr. BAKER. No.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 2782

(Purpose: To provide a constitutional right for silent prayer or silent reflection in public schools)

Mr. DIXON. Mr. President, I call up my amendment No. 2782, which is at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Illinois (Mr. DIXON) proposes an amendment numbered 2782.

On page 2, beginning with line 6, strike out all through line 11 and insert in lieu thereof the following:

"SECTION 1. Nothing in this Constitution shall be construed to prohibit individual or group silent prayer or silent reflection in public schools. No person shall be required by the United States or by any State to participate in such prayer or reflection. Neither the United States nor any State shall compose any prayer or encourage any particular form of prayer or reflection.

"SEC. 2. The authorization by the United States or any State of equal access to the use of public facilities by student voluntary religious groups shall not constitute an establishment of religion."

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, Senators have just heard the clerk read the amendment that I have offered. This is an amendment that simply permits silent prayer or silent reflection in the public schools. I want every Member of the Senate to know this: for years in the State of Illinois that has been the law. I want to read from the 1969 Illinois statute:

In each public school classroom the teacher in charge may observe a brief period of silence with the participation of all the pupils therein assembled at the opening of every school day. This period shall not be conducted as a religious exercise but shall be an opportunity for silent prayer or for silent reflection.

The second section of my amendment permits voluntary religious groups to have access to the schools. Every Member of the Senate ought to know this. The U.S. Supreme Court has already ruled that, with reference to college and university students, they do have equal access to the schools for voluntary religious purposes. There is nothing the matter with giving that same right to the common schools and to the high schools of this great land of ours.

Let me make this point clear to my friends in the Senate so that nobody misunderstands what the Senator from Illinois is doing. I would have been happy to give the President the vote on his amendment first. This is what you have to understand. I was willing to give the amendment of the President the first vote so that we could vote here as Members of the U.S. Senate on whether we were audible, vocal prayer in the schools with a structured form of prayer. I was willing to do that. But the majority leader did not want to do that. My friend from Connecticut, who opposes any kind of prayer, did not want to do that.

Why did they not want to do that? I will tell you why they did not want to do that. They did not want to do that because they know that the amendment offered by the President will go down. They know it will go down. The votes are not here for that amendment. I say that to America as a whole. The votes are not here for an audible, vocal structured prayer in the school. It is not in the cards.

The only thing for which there is a possibility—and I will yield to my friend from Utah in a moment—in the Senate is this amendment or something similar, or the amendment of my friend from Utah, which I would have voted for had it been an amendment that would have been called as similar to this one. I would be more than happy to give the President his day first and then go to this one later.

I want to say to the Senate that, if we went to the President's first and it went down, I believe this amendment would pass. I want the country to know that.

I offer this amendment in the profound belief that the only prayer in school amendment doable, possible in the U.S. Senate, or in the Congress by a two-thirds vote, is a silent prayer, silent reflection, equal access amendment. That is the bottom line from which no more can be expected. I say that to the country.

I am delighted to yield to my dear friend from Utah who has done such good work in this area.

Mr. HATCH. I admit, I appreciate——

Mr. WEICKER. A point of order, Mr. President. Does the Senator from Illinois yield to the Senator from Utah for a question?

The PRESIDING OFFICER. The Senate will be in order.

Mr. HATCH. I would like to respond.

Mr. DIXON. I yield for a question.

Mr. HATCH. If I have to, I will make this statement in the form of a question.

I can appreciate what the distinguished Senator from Illinois is doing, and I have great sympathy with what he is doing. As chairman of the Constitution Subcommittee, I have sat through all of the hearings pertaining to these issues. Ever since I have been in the Senate, I have fought to try and change this constitutional policy of the Supreme Court, that prayer in schools is unconstitutional.

I have done everything I know to get that policy changed.

I am not sure that the particular form of prayer is the significant thing here. As with the Senator from Illinois, I believe that doing away with the prohibition against school prayer

generally is the most important thing we can do here. I have no question about it.

I would like to have the President's amendment pass because I believe it is a responsible amendment. We looked at all of these issues in the Judiciary Committee, and we tried to come up with a way of restoring the historic understanding of the relation between the state and religious expression.

We can also debate a period of silent prayer or meditation or reflection in school, as the distinguished Senator from Illinois says.

There is a way to bring this up and there is a way for it to be given the fullest consideration, Mr. President. I personally believe that there is a great deal of support for this amendment, but I really believe that the way the Senator is bringing it up is not the way to do it.

Mr. DIXON. This Senator does not deny that, but this Senator has been given no options. His distinguished friend, the majority leader, and my friend from Connecticut would not agree to bring this up after the President's amendment. That would be the preference of the Senator from Illinois.

Mr. HATCH. I understand, Mr. President. I think the Senator from Illinois has conducted himself very honorably under the circumstances. I respect him and I respect what he is doing here. It does, however, place me and others in a very difficult position, because we are dedicated to getting the President his vote up or down, without any further promises in any way, shape, or form.

Should the President's amendment pass, that may end the subject. Except perhaps that the gentleman's amendment should be brought up anyway, because whatever amendment is passed here has to be submitted subsequently to the House of Representatives. Upon submission, we do not know which one the House of Representatives would consider. They may choose to ignore whatever we do here, whether it is the President's amendment or whether it is the amendment that is being offered by the Senator from Illinois and one that I have worked very hard on.

My concern is that if we bring it up in this manner, as a substitute to the President's amendment, there are Senators who probably would vote for this amendment who will not vote for it. In the end, possibly both of these amendments will be defeated. That is what worries me.

Mr. DIXON. That, may I say to my friend, is what worries me as well. But my friend from Utah should understand that I have not been given the alternative. I know full well that this amendment would do better after the rejection of the President's proposed constitutional amendment. After all, if the President's proposed constitutional amendment is adopted, the rest of this is, as my colleague and I would say in the practice of law, a moot point.

Mr. DECONCINI. Will the Senator yield?

Mr. HATCH. I do want to yield to the distinguished Senator from Arizona, but I cannot yield. The Senator from Illinois has the floor.

Mr. DECONCINI. Will the Senator from Illinois yield?

Mr. DIXON. Yes, I am delighted to yield to my friend from Arizona.

Mr. DECONCINI. The reason I stood up is, I know very well how much effort the Senator from Utah has put into this amendment as chairman of the Constitution Subcommittee of the Judiciary Committee. He has labored very hard and I know the dedication he has and the obligations he has to the President and his fairness and willingness to take this amendment up first. But I have to say to my colleagues here that the Senator from Illinois is doing what he and I think this body needs to do. If we can enter into some timely agreement where the President would have an opportunity to have his amendment voted on, and then we rest assured that if that amendment fails, then the amendment known as the silent prayer amendment by the Senator from Illinois would come up, I would be more than happy to see that happen. But I want to make it very clear to everyone that I think the Senator from Illinois has absolutely bent over backward in trying his best not to upset the so-called applecart that the distinguished chairman of the Constitution Subcommittee has before us here and has worked so hard on.

As much as I like to support my chairman whenever I can, I want my remarks to show that my remarks yesterday in support of silent prayer and in opposition to the President's amendment are exactly the same as they would be today and I shall not take the 40 minutes to read those statements again.

Mr. President, the Senator from Illinois has really made the point, if the Senator wants to have an opportunity to pass an amendment, I agree with him; if there is any amendment which might have the vote, it is the amendment of the Senator from Illinois, and probably the only one. I am not sure it will pass. But I feel very certain, as I believe maybe the chairman does, too, and other Members here, that Senate Joint Resolution 73 as just amended would not get the 67 votes necessary to pass.

If we cannot make an amendment, I think the Senator from Illinois is entitled to go forward on this and we ought to get a vote on it. If some do not want to vote with the Senator on the silent prayer amendment, so be it, but I hope that is what we can do here; that is what this process is for. We have labored here into the second week now. I think we ought to start voting on this.

I thank the Senator.

Mr. DIXON. I thank my friend from Arizona.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. DIXON. I do yield further to the Senator from Utah.

Mr. HATCH. I understand why the Senator from Illinois is doing what he is doing and he has every right to do it; he should be supported by the Senate in his right to do that. On the other hand, I do believe this amendment should be brought up in some other context. I cannot promise that that will take place. All I can say is that I believe that, at some time in the future, it will take place.

I know the distinguished Senator from Illinois desires more than my hopes in that matter. I think he is stating a valid point that he would like to vote on something that he believes in rather than vote against something that he feels may not be as good as what he believes in. My difficulty, Mr. President, is that I am committed to getting the President's amendment up and having it voted up or down. I just hope that the approach, that the distinguished Senator has every right to take, will not result in defeat of both these amendments, because one or the other needs to pass.

I know the distinguished Senator from Illinois is very sincere. I know how he feels and I know he feels deeply about restoring prayer to schools. All I can say is, in this context, I have a very difficult time supporting what is the essence of that amendment. He has changed the word "meditation" to "reflection." I can accept that. And he has made some changes in the access provision, but they are not overly significant, except for the fact that they are probably slightly broader. But I would feel really bad, after coming through this whole process, to have to vote to table his amendment because of the context in which it arises.

Mr. DIXON. May I interrupt my friend from Utah to say to him that he is on exactly the same track as the Senator from Illinois? If my friend, the majority leader, would come to the floor right now and say, to us, "If the Senator from Illinois will take down his amendment, at a date positively certain in the immediate near future, we will call up the amendment of either the Senator from Utah or the present, pending amendment of the Senator from Illinois," I would bring down this amendment and go to that question at another date. But I want the Senator from Utah to understand that, notwithstanding a long discus-

sion this morning between the majority leader and my friend from Connecticut, that promise was not made. I want the Senator to understand that, as a member of the minority party, I do not expect that to be done.

I live, as some over here do as well, in the profound hope that we shall be in the majority some day again and control the course of events. But while we cannot control the course of events, the only thing left to the Senator from Illinois is to jump up first, as he did; gain recognition, as he did; and call up amendment 2782, as he did.

Mr. HATCH. Will the Senator yield again?

Mr. DIXON. I am happy to yield, Mr. President.

Mr. HATCH. Mr. President I have to say the Senator is acting responsibly in all ways in this matter. I cannot disagree with what he is doing. I think his argument that constitutional amendments deserve to be debated in full and at least be open to amendment, if necessary, is correct. I was upset, for example, with what happended in the House on the equal rights amendment last year.

I think the Senator is right on this particular concern about proper procedure. But I have to say that if we do not do something about the school prayer issue, divisions and tensions will continue in this country on this now 20-year-old controversy. The problem is that I do not think we are going to be able to resolve it under the procedure chosen by the Senator from Illinois. I genuinely believe that the way to do it is to let the President have his vote. Those of us who can support that, support it. Those who cannot, cannot.

If the Senator from Illinois is correct that the President cannot win, he is on record in front of the whole country that he would personally vote for the silent prayer amendment. He is on record. It is not going to change whether we have a vote up or down or not. I think other Senators could be allotted time to similarly go on record.

Mr. DIXON. I interrupt my friend to say it is not just the Senator from Illinois. It is the country. There are a couple hundred million people in the country who would like to have votes on the issue resolved. The people of this Nation are entitled to a vote on something more than the narrowly drawn amendment of the President of the United States. They are entitled to listen to other things.

Mr. HATCH. They are entitled to a full range of alternatives.

Mr. DIXON. And to vote on other things. The people in the country are entitled to a vote on silent prayer and silent reflection and equal access.

Mr. HATCH. I agree, but I also think this is not the way to get them what they want.

Mr. DIXON. They will not give me a way.

Mr. HATCH. What if we lose both of these amendments when one of them, perhaps, can clearly pass under different procedures?

Mr. DIXON. The Senator is a member of the majority and spoken well of by the majority leader. Perhaps he and the majority leader could mediate and reflect together for a moment and come to some conclusion that would give us a vote on the Senator's amendment, not mine, because I have no price of authorship, after the President's goes down. If the Senator is willing to do that, this Senator would be delighted to bring down his amendment, to yield to his distinguished friend from Utah and speak in support of the amendment of the Senator from Utah after we dispose of the President's amendment. But that course has not been made available to the Senator from Illinois and will not be. I do not live, as a professional who has been in this business a long time, in the belief that I am going to be given an opportunity at some near date in the future.

Mr. HATCH. I understand that, and I understand the argument.

I cannot answer that argument other than to say the people in this country want an amendment. I think there is a way to get them an amendment, but this is not the way to do it. Should the distinguished Senator from Illinois persist, I think I am put in a position where I have to vote to table my own amendment; that concerns me greatly.

Mr. DIXON. I changed one word.

(Mr. MURKOWSKI assumed the chair.)

Mr. BUMPERS. Will the Senator yield?

Mr. DIXON. I am delighted to yield to my friend from Arkansas.

Mr. BUMPERS. Is this amendment a precise replication of the Illinois statute?

Mr. DIXON. It is not exactly precise, word for word, but it is a very close replica of what the law is in Illinois.

Mr. BUMPERS. Has that law been tested?

Mr. DIXON. Not the equal access part, I hope the Senator understands, section 1.

No, the law has not been tested.

Mr. BUMPERS. The Supreme Court has not overruled the validity of the Illinois statute?

Mr. DIXON. It has not.

Mr. BUMPERS. Let me ask the Senator this: The Senator is a lawyer?

Mr. DIXON. The Senator is a lawyer.

Mr. BUMPERS. I take it he is as devoted to the first amendment as is the Senator from Arkansas?

Mr. DIXON. One would never question the devotion of the Senator from Arkansas to the first amendment. One thrills at the thought of his devotion to it, but to the extent that I can be as dedicated as the Senator from Arkansas, I try.

Mr. BUMPERS. I appreciate the caveat. Now, will the Senator answer a couple of questions about his interpretation of the Engel against Vitale case of 1962?

Does the Senator agree with me that, first of all, students have the right to pray silently under existing law?

Mr. DIXON. I would agree with that.

Mr. BUMPERS. Does the Senator agree with me that students have the right to pray vocally under existing law as long as they do it voluntarily, as long as they do it on their own time, and so on?

Mr. DIXON. I suppose they would have that right, but how you would create that in a student atmosphere, I do not know, without the teacher calling out time for it. And then I think there is a constitutional question.

Mr. BUMPERS. Let me ask the Senator this: If 10 students agreed to go to the lunchroom for lunch, sat down at a table together and held hands and picked one of their number to bless the food——

Mr. DIXON. I think they would have that right.

Mr. BUMPERS. They have that right. Does the Senator also agree that during the noon hour or during recess, when all the other children are out playing or doing whatever they are doing, going across the street to McDonald's, if they want to singularly or in concert gather in a room for short devotion or prayer, does the Senator believe they have that right?

Mr. DIXON. In the form in which the Senator placed the question, in that nonstructured atmosphere, I think they have that right.

Mr. BUMPERS. Now, then, let me ask the Senator this question: The first section of your amendment says:

> Nothing in this Constitution shall be construed to prohibit individual or group silent prayer or silent reflection in the public school.

Does the Senator not have some apprehension that by passing a constitutional amendment which says, "Nothing in this Constitution shall prohibit silent prayer or refelction," the Court might thereby construe that to mean vocal prayer, which is now permitted, would be prohibited?

Mr. DIXON. No, I do not think that would be the result which would insue in those circumstances my colleague from Arkansas has cited to me, in the nonstructured circumstances of lunch hour or recess or time allotted for school play or things of that character, the distinction being that in the structured form of a schoolroom a silent prayer organized by the teacher,

silent prayer or silent reflection, there is a question of whether you may do it under existing appellate court decisions which are at odds on that question, as my colleague knows, the Supreme Court itself never having spoken on the issue.

Mr. BUMPERS. Let me say to the Senator—and again I have said many times, and I repeat—I am not a constitutional scholar. I am a devotee of the Constitution. I have said many times that next to the Holy Bible it is the most sacred document to me, and in that document the first amendment is easily the most sacred to me. So my point is this: It seems to me that at best the amendment of the Senator from Illinois is simply a restatement of existing law, and at worst it may limit presently existing freedoms.

Mr. DIXON. I say to my friend from Arkansas, I think that is not true, because this amendment would permit in the beginning of the schoolday, in the classroom itself, during a structured period of time at the suggestion of the schoolteacher, the students rising at their desks and either silently praying or silently reflecting, according to the dictates of their own conscience, according to their own religion, whether they be Jewish, Protestant, Catholic, Buddhist, or whatever.

That is the distinction, may I say to my friend from Arkansas, in the state of the law now and what the state of the law would be if the amendment of the Senator from Illinois were adopted and became the constitutional amendment that it would purport to be.

Mr. BUMPERS. Why does the Senator insist on doing something structurally that they have a right to do on their own?

Mr. DIXON. I think it is just an honorable difference of opinion between the Senator from Illinois and the Senator from Arkansas. It is not a difference without a distinction. There is a distinction. I would go that one step further than the Senator from Arkansas.

For instance, my colleague from Connecticut would not go that far, but there are other Senators besides the Senator from Illinois who would go that far but would not go as far as the President wants to go with audible, vocal, structured prayer.

Mr. HATCH. Will the distinguished Senator from Illinois yield?

Five out of the six Federal courts that have considered the silent prayer issue had held it unconstitutional, five out of the six. There has been only one upholding it; presently, there is a petition for a writ of certiorari before the Supreme Court on this issue. Nobody knows whether thay are going to take that or not. If they do not, at least five Federal jurisdictions in this country have already outlawed it.

Mr. BUMPERS. I think that every one of those cases to which the Senator refers were cases where they were very orchestrated, structured, a particular time set for prayer, the whole thing.

Mr. HATCH. That is what the amendment of the distinguished Senator from Illinois does.

Mr. BUMPERS. That is right. That is my principal objection to his amendment, plus the fact that I think he goes much further than anybody here intends to, because I think the Court would be perfectly within its right to say that Congress had the opportunity to specifically permit vocal prayer but chose not to do so. Instead, they said, "Nothing in the Constitution shall prohibit," not vocal prayer, but "silent prayer." Therefore, they do not think children in this country have a right to pray out loud. I think that is a real danger with this amendment.

Mr. DIXON. With all due respect to my friend from Arkansas, who is a brilliant lawyer.

Mr. BUMPERS. I thank the Senator. I thank the Senator.

Mr. DIXON. His statements on this floor are always persuasive to the Senator from Illinois, I totally disagree with the final conclusion he draws. I do not think there is any possibility whatsoever the Supreme Court would hold that a student in the case, for instance, he has cited, sitting with others at lunch in the lunchroom outside of a school period, cannot hold hands with others around him and audibly pray. Nor do I think the Supreme Court would ever say, if this constitutional amendment were adopted, that children on the playgrounds could not audibly pray; or, if on the basketball court, before the freethrow is thrown, the student could not say, "God, give me a point." I do not think there is any question about the right to do that.

I respect my colleague from Arkansas, but I believe that he is without merit in connection with the argument he now makes toward the conclusion of his remarks.

Mr. BUMPERS. The amendment before the Senate, I take it, would allow the school board to say that each morning, at 8:30, there will be a period, as we say here, for the transaction of morning business. [Laughter.]

That there will be a period of 10 minutes for silent meditation and reflection, and the teacher will say, "Students, you will not engage in group silent meditation or reflection."

Mr. DIXON. Or prayer.

Mr. BUMPERS. Or prayer.

So the students can put their heads on the desks, they can look straight ahead, they can say whatever they want to say, and the teacher is sitting there. At the conclusion of it would not the teacher there be able to say, "Johnny, what did you pray?"

Would that be permissible under the Senator's amendment?

Mr. DIXON. I would need time to meditate upon it and reflect upon it.

Mr. HATCH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. DIXON. I yield.

Mr. HATCH. There is nothing in the silent prayer amendment of the distinguished Senator that would prohibit any kind of prayer conducted outside public auspices. Absolutely nothing.

I presume that the distinguished Senator from Arkansas, in arguing for vocal prayer, will vote for the President's proposal if it comes up, because he is so devoted to it; I will vote for it, also.

Let me make this point to the distinguished Senator from Illinois: The distinguished Senator from Illinois feels very deeply about this, as do I. The distinguished Senator is on the record. Everybody in this country will know that he is for the silent prayer and reflection amendment. I believe that with that debate and with that argument, the distinguished Senator should let the President have his vote.

Mr. DIXON. Let me respond in the best way I know, by saying this: There is a body of people in this country who feel very strongly, as my dear friend from Connecticut feels, that nothing should be done in this area at all. There is a body of people in the country on the other end of the political spectrum who feel very strongly that the only thing that means anything is an audible, vocal prayer, structured in a prayer form, so that the whole thing is a structured situation in the school regarding prayer.

But I assert that the vast majority of people in this great Nation of ours are somewhere between those two extremes, that the vast majority of people in this great Nation of ours would like silent prayer or silent reflection and equal access to the school. I believe that they are the largest percentage by far. I this Senator takes down amendment No. 2782, he denies that majority of the people in this Nation their right to vote on this issue. I would not presume to do that.

Mr. HATCH. Mr. President, if the Senator will yield, I do not think the Senator will deny them this opportunity.

Let me make a commitment to the Senator: If the Senator will withdraw his amendment, rather than go to a vote—and all I can do is ask one more time—if the Senator will withdraw his amendment, I will do everything in my power, as chairman of the Subcommittee on the Constitution to resume hearings again, bring the Senator's amendment through the subcommittee, through the full committee, and back to the floor. I believe that is the proper way to do it.

Mr. DIXON. Nobody here knows better than the Senator from Utah that we have heard this to death and debated it to death. The Senator from Utah and the Senator from Connecticut can talk with the majority leader now and give us a date certain to hear this and to have a vote on it. It has been heard. There is nobody here who doubts that nothing more can be said on this issue—nothing.

Mr. HATCH. There is no commitment on the part of the majority leader to bring up the so-called silent prayer amendment. By necessity, he cannot make that commitment. All I can say is that at some later date, I will do everything in my power to bring that up, but I think the President ought to have the chance to have his amendment considered.

So, those people who believe in oral prayer should have their opportunity to have that vote. If they win—and the distinguished Senator from Illinois is on the record—he is not losing one thing by allowing that to occur. If they win, they will have won by a two-thirds vote in the U.S. Senate, and in the House of Representatives. If they lose, then I do believe that at some future date, it will be possible to bring up the silent prayer amendment. I believe that with all my heart. I do not believe that our colleagues would stop us from doing that.

Mr. DIXON. My distinguished friend from Utah has a reputation not only as a great U.S. Senator but also, I am told, as a man who was a pretty good trial lawyer. The Senator from Utah has quite a reputation in the past of being a brilliant trial lawyer in his State. I suggest that in his time, he probably settled a few lawsuits. If he ever settled a lawsuit in which somebody said, "Maybe in the future, we may do something, after some hearings," he made a bad settlement. I do not think he ever made a bad settlement. The Senator from Illinois does not make those kinds of deals, either.

Mr. HATCH. The distinguished Senator has every right to do whatever he wants to do on this issue.

Mr. BUMPERS. Mr. President, will the Senator yield for a couple of questions?

Mr. DIXON. I yield.

Mr. BUMPERS. We stopped a moment ago when I asked whether it would be permissible for the teachers to ask the children what they prayed—and this is just a thought.

Say that the son of the Senator from Utah is in the classroom, and little Johnny says, "Well, teacher, I prayed that the Mormons would change their position on the equal rights amendment."

[Laughter.]

Mr. DIXON. There is always hope.

Mr. BUMPERS. Does the Senator think that might set up a little confrontation in the classroom?

Mr. DIXON. I hope the Senator from Arkansas does not want me to pass on every one of his hypothetical situations.

I stick to the point that structured silent prayer and structured silent reflection in the school would be permissible, and audible and vocal prayer would not be, under my amendment.

There are all kinds of cases that would require the attention of the nine Justices on the Supreme Court, who often divide by 5 to 4.

Mr. BUMPERS. Is the Senator familiar with the proposal Senator HATFIELD intends to offer at some time—S. 815?

Mr. DIXON. No; I am not.

Mr. BUMPERS. I am a cosponsor of it.

Mr. DIXON. Oh, the equal access amendment?

Mr. BUMPERS. Yes.

Mr. DIXON. At the appropriate time, I will vote for it.

Mr. BUMPERS. I thank the Senator very much.

I think that amendment would accomplish precisely what the Senator is trying to accomplish—allow students to engage in voluntary vocal prayer as well, and provide equal access to students for voluntary prayer.

Mr. DIXON. In all fairness to my friend from Arkansas, I say that he is only partly right. I do not think that the equal access proposal to be offered by the Senator from Oregon would address structured silent prayer or structured silent reflection in the classroom and during school hours, as distinguished from after school or other times when religious exercises can take place.

Mr. BUMPERS. The Senator is absolutely right. It would permit before and after school, during recess, equal access by religious student groups.

Mr. DIXON. It is a distinction.

Mr. BUMPERS. It is a distinction.

In all the calls and the mail I am receiving, people say that they favor voluntary prayer in school. I have not seen a poll that shows a majority of people in this country favoring mandatory or involuntary prayer. Has the Senator?

Mr. DIXON. I say to my friend from Arkansas that I do not think it is very easy to analyze the mail and the telephone polls we get on this subject matter. Quite clearly, the overwhelming majority of people want some kind of prayer. I think there is a distinction among the different attitudes of people, and I am not prepared to say what attitude each individual has when they call or write.

But I would argue with my friend from Arkansas that if you could structure a poll in such a way that people had the alternatives of voting on these issues, a majority would support a concept similar to the one that the Senator from Illinois has offered. That is what I contend.

Mr. BUMPERS. Let me make a couple of points. First under the Hatfield amendment, of course, you do not do violence to the first amendment. Second, while it is an equal access proposal, it is equal access by students. I would distinguish that which I think is highly preferable and desirable from the equal access section 2 of the Senator's amendment.

The Senator's amendment says:

> The authorization by the United States or any State of equal access to the use of public facilities by student voluntary groups shall not constitute an establishment of religion.

First of all, the Senator does not say "public schools" there in that section as the Senator did in the first section. He said "public facilities," so that includes any facility in or out of school, any public institution, any public facility.

Mr. DIXON. I think that is correct.

Mr. BUMPERS. OK. That could be a national park or whatever.

Mr. DIXON. I think that is right.

Mr. BUMPERS. That is right.

Would this permit the school board to give access to a student group from Antelope, Oreg., to go down to Salem, Oreg., and ask them for permission to use their school for silent meditation or any other religious exercise?

Mr. DIXON. I would say to my friend there is a rule of reasonableness in everything that happens in the law, as my distinguished friend who is a lawyer knows. The rule of reasonableness would apply to the interpretation of this constitutional amendment as it does to everything else. It might very well be that the courts would say, "Look, students from Little Rock can go to the Little Rock school." That makes sense. Their folks pay taxes there and they pay for the school. But folks from Belleville, Ill., the home of this Senator, cannot go down to Little Rock, Ark., and do that, and I think that would not be unreasonable as an interpretation of that constitutional section.

But in all fairness to my friend from Arkansas I must say that we are discussing some new territory here.

Mr. BUMPERS. Let me say to the Senator that is one of the problems always of drafting constitutional amendments and that is constitutional language and legislative language are quite different. You cannot be nearly as precise or as definitive in constitutional language. So that is another distinction from Senator HATFIELD's amendment, which incidentally is enthusiastically endorsed by the Joint Baptist Committee on Public Affairs, which represents almost every Baptist church in the United States, and enthusiastically endorsed by the National Association of Evangelicals. I do not

know how my church, the United Methodist Church, feels about that. I know how they feel about this other amendment, as most every church in the United States does. They are opposed to it.

But I am really as apprehensive, as a preacher I used to have who said "You are running past more than you are going to catch up to."

Mr. DIXON. May I respond to my friend from Arkansas by saying this. If the Senator from Illinois were running this place today, what I would do is I would let everyone, all 100 of us, vote on the President's first, then I would go to one like this, and then finally I would go to one like that legislation that the Senator from Oregon has offered and in stages downward give the Senate an opportunity to respond to each of these issues.

The Senator from Arkansas must understand that would be my choice, but it is not the right given me, so I cannot do that.

I understand the reservations of my friend from Arkansas. I understand the problem of my friend from Utah. But I am put in this place as the only place it would fit.

I move the adoption of the amendment, Mr. President.

Several Senators addressed the Chair.

Mr. HATCH. Mr. President, will the Senator yield for a question?

Mr. WEICKER. The Senator from Utah should have the floor in his own right.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, despite efforts by some of us on this floor to fully clarify the meaning of the President's proposed constitutional amendment, there seem to be several lingering misconceptions. I, therefore, ask unanimous consent to have printed in the RECORD at this point several explanatory materials from the administration itself. In particular, I wish to share with my colleagues the extremely thoughtful remarks of the President of the United States upon the occasion of introduction of the proposed amendment:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONSTITUTIONAL AMENDMENT

Message from the President of the United States transmitting a proposed amendment to the Constitution of the United States to allow voluntary prayer in public schools or other public institutions.

To the Congress of the United States:

I have attached for your consideration a proposed constitutional amendment to restore the simple freedom of our citizens to offer prayer in our public schools and institutions. The public expression through prayer of our faith in God is a fundamental part of our American heritage and a privilege which should not be excluded by law from any American school, public or private.

One hundred fifty years ago, Alexis de Tocqueville found that all Americans believed that religious faith was indispensable to the maintenance of their republican institutions. 1 de Tocqueville, *Democracy in America* 316 (Vintage ed. 1945). Today, I join with the people of this Nation in acknowledging this basic truth, that our liberty springs from and depends upon an abiding faith in God. This has been clear from the time of George Washington, who stated in his farewell address:

"Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable suppports. . . . And let us with caution indulge the supposition that morality can be maintained without religion. . . . (R)eason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle." 35 *The Writings of George Washington* 229 (J. Fitzpatrick ed. 1940).

Nearly every President since Washington has proclaimed a day of public prayer and thanksgiving to acknowledge the many favors of Almighty God. We have acknowledged God's guidance on our coinage, in our national anthem, and in the Pledge of Allegiance. As the Supreme Court has stated: "We are a religious people whose institutions presuppose a Supreme Being." *Zorach v. Clauson,* 343 U.S. 306, 313 (1952).

The founders of our Nation and the framers of the First Amendment did not intend to forbid public prayer. On the contrary, prayer has been part of our public assemblies since Benjamin Franklin's eloquent request that prayer be observed by the Constitutional Convention:

"I have lived, Sir, a long time, and the longer I live, the more convincing proofs I see of this truth—that God governs in the affairs of men. . . . I also believe that without this concurring aid we shall succeed in this political building no better than the Builders of Babel: We shall be divided by our little partial local interests; our projects will be confounded, and we ourselves shall become a reproach and bye word down to future ages. . . .

"I therefore beg leave to move—that henceforth prayers imploring the assistance of Heaven, and its blessings on our deliberations, be held in this Assembly every morning before we proceed to business. . . ." 1 *The Records of the Federal Convention of 1787,* 451-52 (M. Farrand ed. 1966).

Just as Benjamin Franklin believed it was beneficial for the Constitutional Convention to begin each day's work with a prayer, I believe that it would be beneficial for our children to have an opportunity to begin each school day in the same manner. Since the law has been construed to prohibit this, I believe that the law should be changed. It is time for the people, through their Congress and the State legislatures, to act, using the means afforded them by the Constitution.

The amendment I propose will remove the bar to school prayer established by the Supreme Court and allow prayer back in our schools. However, the amendment also expressly affirms the right of anyone to refrain from prayer. The amendment will allow communities to determine for themselves whether prayer should be permitted in their public schools and to allow individuals to decide for themselves whether they wish to participate in prayer.

I am confident that such an amendment will be quickly adopted, for the vast majority of our people believe there is a need for prayer in our public schools and institutions. I look forward to working with Congress to achieve the passage of this amendment.

RONALD REAGAN.

THE WHITE HOUSE, *May 17, 1982.*

JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress:

"ARTICLE —

"Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer."

THE ADMINISTRATION'S PROPOSED CONSTITUTIONAL AMENDMENT RELATING TO SCHOOL PRAYER

I. THE RELIGIOUS HERITAGE OF THE NATION

From the birth of the United States, public prayer and the acknowledgment of a Supreme Being have been a foundation of American life. Government officials have continually invoked the name of God, asked His blessings upon our nation, and encouraged our people to do the same. One of the most striking examples of this invocation of God's blessing and assistance is found in the Declaration of Independence, which proclaims it "self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights. . . ." The new nation was established, the authors of the Declaration said, "appealing to the Supreme Judge of the world for the rectitude of our intentions" and "with a firm reliance on the Protection of Divine Providence. . . ."

Similarly, the First Congress, which drafted the language of the First Amendment, not only retained a chaplain to offer public prayers, but, the day after proposing the First Amendment, called on President Washington to proclaim "a day of public thanksgiving and prayer, to be observed by acknowledging, with grateful hearts, the many signal favors of Almighty God."[1] Nearly every President since Washington (including Lincoln, both Roosevelts and Kennedy) has proclaimed a national day of prayer and thanksgiving.[2] The First Congress also amended and continued in effect the Northwest Ordinance of 1787, the original text of which provided in part: "[r]eligion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." Act of Aug. 7, 1789, 1 Stat. 50, 51-52 n.(a).

In his Farewell Address, President Washington urged: "[L]et us with caution indulge the supposition, that morality can be maintained without religion. . . . Reason and experience both forbid us to expect that National morality can prevail in exclusion of

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Footnotes at end of article.

religious principle." [3] Thomas Jefferson wrote: "And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God?" [4]

Coins have borne the legend "In God We Trust" since 1865, 31 U.S.C. § 324a,[5] and this was made the national motto in 1956. 36 U.S.C. § 186. In 1952, Congress directed the President to proclaim a National Day of Prayer. 36 U.S.C. § 169h. In 1954, Congress added the words "under God" to the Pledge of Allegiance to acknowledge this heritage. 36 U.S.C. § 172. The House Judiciary Committee explained:

"This is not an act establishing a religion or one interfering with the "free exercise" of religion. A distinction must be made between the existence of a religion as an institution and a belief in the sovereignty of God. The phrase "under God" recognizes only the guidance of God in our national affairs." [6]

Many patriotic songs similarly acknowledge dependence upon God and invoke His blessings. One stanza from the National Anthem, 36 U.S.C. § 170, includes the phrases "Praise the Pow'r that hath made and preserved us a nation" and "And this be our motto, 'In God is our Trust.'" [7] The fourth stanza of "America" reads:

"Our fathers' God, to Thee, Author of Liberty, to Thee we sing.
"Long may our Land be bright with freedom's holy light,
"Protect us by Thy might, Great God our King." [8]

Most recently, the House of Representatives adopted a resolution, by a 388–0 vote, reaffirming its practice of retaining a chaplain to begin its sessions with prayer.[9]

These examples only confirm the tradition of publicly declaring and encouraging a belief in and dependence upon God. As the Supreme Court has stated: "We are a religious people whose institutions presuppose a Supreme Being." *Zorach* v. *Clauson*, 343 U.S. 306, 313 (1952).[10]

II. TRADITION OF PRAYER IN THE PUBLIC SCHOOLS

In keeping with the nation's heritage of public prayer, there has been a long tradition of including some form of prayer in the public schools ever since their inception.[11] As early as 1789, for example, the Boston school committee required schoolmasters "daily to commence the duties of their office by prayer and reading a portion of the Sacred Scriptures." [12] A commission supporting the establishment of a public school system in New York in 1812 reported that "Morality and religion are the foundation of all that is truly great and good, and are consequently of primary importance." [13] There was a considerable effort in the 19th century to avoid the use of "sectarian books and sectarian instruction." [14] For example, the Massachusetts Board of Education headed by Horace Mann removed sectarian instruction from the schools but also prescribed a program of "daily Bible readings, devotional exercises and the constant inculcation of the precepts of Christian morality." [15] Thus, the requirement of nonsectarian instruction generally was not thought to preclude prayer or Bible readings without comment in the schools.[16] Many states had allowed the recitation of nonsectarian prayer or Bible verses in public schools, as long as participation was not compelled.[17]

Prayer in the schools was, in many cases, patterned closely on public prayer in other contexts. For example, in *Engle* v. *Vitale*, 370 U.S. 421, 422 (1962), the school prayer prepared by the New York State Board of Regents (the Regents' prayer) read:

"Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our Country."

The Regents, in their brief to the Supreme Court as amicus curiae, noted that the exact words "Almighty God" were contained in 34 state constitutions, that every state constitution acknowledged dependence on God in some form, and that an acknowledgment or invocation of "blessings" was contained in 29 state constitutions.[18] Thus, the recitation of the Regents' prayer in New York schools closely mirrored other official statements reflecting the nation's religious heritage.

III. THE RELIGION CLAUSES OF THE FIRST AMENDMENT AND PUBLIC PRAYER

The First Amendment to the Constitution, which was proposed by the First Congress in 1789, provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof. . . ." In a 1947 decision, the Supreme Court construed the Establishment Clause to be applicable to the states through the due process clause of the Fourteenth Amendment.[19]

In concluding that the First Amendment forbids prayer in public schools, many courts and commentators have relied heavily upon James Madison's statement of his views on church and state in his "Memorial and Remonstrance Against Religious Assessment." [20] This document was written four years before the First Amendment was proposed, in opposition to a general tax for the support of religious education in Virginia. Considerable reliance has also been placed on Jefferson's assertion, made thirteen years after the Amendment was drafted, that the Establishment Clause was intended to erect "a wall of separation between church and State," [21] although, as Justice Stewart has noted, that "phrase [is] nowhere to be found in the Constitution." [22] Jefferson's statement, while a "powerful way of summarizing the effect of the First Amendment," was "clearly neither a complete statement nor a substitute for the words of the Amendment itself." [23] Moreover, Jefferson's own subsequent writings, which reflect his belief that nonsectarian religious exercises should not be totally excluded from public education, belie the absolute effect which some have sought to give these words.[24]

The Supreme Court, in holding prayer in public schools to be unconstitutional, embraced an absolutist interpretation of the First Amendment based on its reading of the historical context in which the Amendment was passed. [25] The Court in *Engel* v. *Vitale*, 370 U.S. at 428–29 n.11, relies on the interpretation of history contained in *Everson* v. *Board of Education*, 330 U.S. at 11–13 (opinion of the Court), and 33–42 (Rutledge, J., dissenting). Justice Rutledge said:

"No provision of the Constitution is more closely tied to or given content by its generating history than the religious clause of the First Amendment. . . . In the documents of the times, particularly of Madison, . . . is to be found irrefutable confirmation of the Amendment's sweeping content. . . . [Madison's] Remonstrance is at once the most concise and the most accurate statement of the views of the First Amendment's author concerning what is "an establishment of religion." . . . [I]t behooves us in the dimming distance of time not to loose sight of what he and his coworkers had in mind when, by a single sweeping stroke of the pen, they forbade an establishment of religion and secured its free exercise." 330 U.S. at 33–34, 37–38. Thus, it is appropriate to examine the record of the First Congress, which proposed the First Amendment, in order to determine what was intended, and whether Justice Rutledge's assessment is correct.

Because Madison introduced the First Amendment in Congress, the Court appears to assume that the final product reflects only his personal views. While the personal views of the sponsor of any legislation may be accorded deference in analyzing congressional intent, one cannot ignore the plain language that emerged and the contribution of other members of Congress to the legislation. Madison's proposal was substantially amended in committee before it was considered by the whole House.[26] When House floor debate began, the proposal read as follows: "No religion shall be established by law nor shall the equal rights of conscience be infringed." [27]

This language prompted concern among some representatives that the amendment would prevent nondiscriminatory state aid to religion. One voiced a fear that such language "might be thought to have a tendency to abolish religion altogether." [28] Another thought that it should read "no religious doctrine shall be established by law." [29] Another agreed:

"That the words might be taken in such latitude as to be extremely hurtful to the cause of religion . . . . He hoped, therefore, the amendment would be made in such a way as to secure the rights of conscience, and a free exercise of the rights of religion, but not to patronize those who professed no religion at all."[30]

Madison explained his position by saying that:

"he apprehended the meaning of the words to be, that Congress should not establish a religion, and enforce the legal observation of it by law, nor compel men to worship God in any manner contrary to their conscience . . . .

Mr. Madison thought if the word 'national' was inserted before religion, it would satisfy the minds of honorable gentlemen. He believed that the people feared one sect might obtain a pre-eminence, or two combine together, and establish a religion to which they would compel others to conform. He thought if the word 'national' was introduced, it would point the amendment directly to the object it was intended to prevent."[31]

These passages from the congressional debates prove two points. First, the concern the Congress wished to address by the amendment was the fear that the federal government might establish a national church, use its influence to prefer certain sects over others, or require or compel persons to worship in a manner contrary to their conscience. Second, in addressing that concern, Congress did not want to act in a manner that would be harmful to religion generally or would defer to the small minority who held no religion.

The version approved by the House read, "Congress shall make no law establishing religion, or to prevent the free exercise thereof or to infringe the rights of conscience." [32] The Senate specified more narrowly the scope of the clause: "Congress shall make no law establishing articles of faith, or a mode of worship, or prohibiting the free exercise of religion." [33]

The final version of the First Amendment contained the language "respecting an establishment of religion." The Supreme Court has given the word "Respecting" a broad interpretation.[34] It has forbidden not only a direct establishment of religion but also any act accommodated or even tolerated by state auspices that might encourage religious faith.[35] It is doubtful, however, that the Congress intended such result. Moreover, in view of the objections raised during the debates that the states should not be precluded from aiding religion, it is more likely that the final language was intended to prevent Congress from passing a law interfering with the existing state laws on the establishment of religion.[36]

Prior to its decisions of the 1960's, the Supreme Court had recognized that the Establishment Clause was not intended to result in absolute separation:

"The First Amendment, however, does not say that in every and all respects there shall be a separation of Church and State. Rather it studiously defines the manner, the specific ways, in which there shall be no concert or union or dependency one on the other. That is the common sense of the matter. Otherwise the state and religion would be aliens to each other—hostile, suspicious, and even unfriendly." [37]

As stated by Justice Stewart, "as a matter of history and as a matter of the imperatives of our free society, . . . religion and government must necessarily interact in countless ways." [38]

Thus, the foregoing discussion supports the conclusion that the First Amendment was not intended to preclude a reference to our reliance upon God by public officials in prayer, as distinguished from government "establishment" of a particular sect.[39] This interpretation of the language of the First Amendment is further supported by the fact that the same Congress that passed the First Amendment also retained a chaplain and called for a day of prayer and thanksgiving to God.[40]

IV. JUDICIAL RULINGS RESTRICTING SCHOOL PRAYER

In 1962 and 1963, the Supreme Court decided two cases that held it is an impermissible "establishment of religion" in violation of the First Amendment for a state to foster group prayer or Bible readings by students in the public schools. In *Engel* v. *Vitale*, 370 U.S. 421 (1962), the Supreme Court forbade the recitation of the New York State Regents' prayer in New York public schools. The Court ruled that "government in this country, be it state or federal, is without power to prescribe by law any particular form of prayer which is to be used as an official prayer in carrying on any program of governmentally sponsored religious activity." 370 U.S. at 430. Although it was clear that students were not required to participate in the prayer, the Court appeared to adopt a theory of implied coercion:

"When the power, prestige and financial support of the government is placed behind a particular religious belief, the coercive pressure upon religious minorities to conform to the officially approved religion is plain." Id. at 431.

One year later, in *Abington School District* v. *Schempp*, 374 U.S. 203 (1963), the Court struck down a Pennsylvania law requiring that public schools begin each day with readings, without comment, from the Bible. Emphasizing the "complete and unequivocal" separation between church and state in its previous constructions of the First Amendment,[41] the Court concluded that the purpose and primary effect of Pennsylvania's law was the advancement of religion in violation of the Establishment Clause. 374 U.S. at 222-26.

In construing the Establishment Clause to require strict "neutrality" of the state toward religion, the Court has forbidden the government from placing any support "behind the tenets of one or of all orthodoxies." *Id.* at 222. The Court also reaffirmed the rule that:

"Neither [the states nor the federal government] can constitutionally pass laws or impose requirements which aid all religions as against non-believers, and neither can aid those religions based on a belief in God as against those religions founded on different beliefs."[42]

The prohibition against favoring religion as against non-believers or favoring theistic religions as against nontheistic religions would appear to preclude any section by the states or the federal government affirming a belief in God.

The Court in Schempp rejected the view that religious practices may be defended as being in aid of legitimate secular purposes, and concluded that the provisions to excuse students from participation also provided, under its view of the Establishment Clause, no defense. 374 U.S. at 224-25. In short, any "religious exercises . . . required by the States," even though "relatively minor encroachments" on the Court's concept of neutrality, are to be forbidden. *Id.* at 225.

In the years following *Engle* v. *Vitale* and *Abington School District* v. *Schempp*, the courts have increasingly restricted the states from incorporating religious observances into the daily schedule of students in public schools. In one case, for example, a school principal's order forbidding kindergarten students from saying grace before meals on their own initiative was upheld.[43] In another case, the recitation of a similar verse before meals, but without any reference to God, was held to be a prayer in violation of the Establishment Clause.[44]

More recently, the Supreme Court affirmed a lower court decision striking down a school board policy of permitting students, upon request and with their parents' consent, to participate in a one-minute prayer or meditation at the start of the school day.[45] The lower court found that the practice of permitting student and teacher prayers in the public schools was inconsistent with the "absolute governmental neutrality" demanded by the Supreme Court's interpretation of the First Amendment. 653 F.2d at 901. The Supreme Court has also held that a state statute requiring the posting of the Ten Commandments on classroom walls in public schools was unconstitutonal. *Stone* v. *Graham*, 449 U.S. 39 (1980).

The principles established in *Engel* v. *Vatale* and *Abington School District* v. *Schempp* have been extended recently to bar the accommodation or even toleration of students' desire to pray on school property even outside regular class hours. In one case, a court held that a school system's decision to permit students to conduct voluntary meetings for "educational, religious, moral, or ethical purposes" on school property before or after class hours violated the Establishment Clause.[46] Similarly, a state court forbade the reading of prayers from the Congressional Record in a high school gymnasium before the beginning of school.[47] In another case, a school district's decision to allow student initiated prayer at voluntary school assemblies that were not supervised by teachers was deemed a violation of the Establishment Clause.[48] In each case, the court found no difference of constitutional dimension between the practice of permitting students to engage in individual or group prayer on public property and the active organization of prayer or readings from the Bible by school authorities, as in *Engel* v. *Vitale* and *Abington School District* v. *Schempp*.[49]

Finally, with respect to prayer in public buildings other than schools, the Court of Appeals for the District of Columbia Circuit has ruled that atheists have standing to challenge the practice of the Senate and House of Representatives retaining Chaplains to open their sessions with a prayer, although the court has not yet decided whether the practice is unconstitutional. *Murray* v. *Buchanan*, No. 81-1301 (D.C. Cir Mar. 9, 1982). Another court has ruled unconstitutional a state legislature's practice of retaining any particular chaplain to open legislative sessions with prayer.[50]

V. THE NEED FOR A CONSTITUTIONAL AMENDMENT

The Supreme Court's decisions that state-composed prayer and Bible reading constitute an "establishment" of religion do not give adequate regard to our religious heritage and misinterpret the historical background of the First Amendment. The Establishment Clause was not intended to prohibit governmental references to or affirmations of belief in God.[51] As Justice Story concluded, "[a]n attempt to level all religions, and to make it a matter of state policy to hold all in utter indifference, would have created universal disapprobation, if not universal indignation" at the time the First Amendment was drafted.[52] Thus, the history of the Establishment Clause and Free Exercise Clause do not support the Supreme Court's conclusion that public prayer in schools is unconstitutional. As stated by Erwin N. Griswold, former Dean of Harvard Law School and former Solicitor General of the United States: "These are great provisions, or great sweep and basic importance. But to say that they require that all traces of religion be kept out of any sort of public activity is sheer invention." [53]

Moreover, the courts have extended the principles of *Engel v. Vitale* and *Abington School District v. Schempp* to proscribe not only government-sponsored prayer, but also voluntary prayer initiated by students. By prohibiting students' voluntary prayers before meals, periods of meditation before class, and student prayer meetings in school buildings outside of class hours, the courts' concern with the Establishment Clause has overshadowed the First Amendment right of students to free exercise of religion. As Justice Stewart has stated, "there is involved in these cases a substantial free exercise claim on the part of those who affirmatively desire to have their children's school day open with the reading of passages from the Bible." [54] Although it can be argued that those parents could send their children to private or parochial schools, the Supreme Court has stated that "[f]reedom of speech, freedom of the press, freedom of religion are available to all, not merely to those who can pay their own way." [55]

The unintended but inevitable result of current judicial interpretations of the Establishment Clause is not state neutrality but a complete exclusion of religion which, as Justice Stewart noted, is, in effect, state discouragement of religion:

"For a compulsory state educational system so structures a child's life that if religious exercises are held to be an impermissible activity in schools, religion is placed at an artificial and state-created disadvantage. Viewed in this light, permission of such exercises for those who want them is necessary if the schools are truly to be neutral in the matter of religion. And a refusal to permit religious exercises thus is seen, not as the realization of state neutrality, but rather as the establishment of a religion of secularism, or at least as government support of the beliefs of those who think that religious exercises should be conducted only in private." [56]

Commentators have noted that the government neutrality between theistic and non-theistic beliefs that the Supreme Court has sought to achieve is, indeed, unachievable:

"The fallacy of the Supreme Court's neutrality concept is that it is impossible for the government to maintain neutrality as between theistic and non-theistic religions without implicitly establishing an agnostic position. Agnosticism, however, is a non-theistic belief. The choice, then, is not, as the Court and its apologists have said, between "neutrality" and government encouragement of theism. The choice is between government encouragement of theism and government encouragement of agnosticism." [57]

A constitutional amendment allowing school prayer is needed not only because it is consistent with and more accurately reflects the original intent of the First Amendment than the current judicial interpretations, but also because it would allow religious and educational decisions of essentially local concern to be made by states and localities rather than the federal judiciary. For over 170 years, school prayer issues were resolved at the state and local levels by the residents of the affected communities. Their choices regarding school prayer reflected the desires and beliefs of the parents and children who were directly and substantially affected.

Finally, and most importantly, this amendment is needed because the free expression of prayer is of such fundamental importance to our citizenry that it should not be proscribed from public places.[58] Prayer in the public schools has long been considered a desirable and proper means of imparting constructive moral and social values to schoolchildren, while generally encouraging in them a practice of self-reflection and meditation.[59] Conversely, the exclusion of prayer from the daily routine of students could convey the misguided message that religion is not of high importance in our society. A prayer such as the one struck down in *Engel* v. *Vitale*, for instance, was promoted by the New York State Regents to encourage children to take a moment to think of their blessings and the good fortune for which they should be thankful.[60] Introducing children to such a practice can benefit the children and the public good.

VI. ANALYSIS OF THE PROPOSED AMENDMENT

The proposed constitutional amendment is essentially intended to restore the status quo with respect to the law governing prayer in public schools that existed before *Engel* v. *Vitale* and *Abington School District* v. *Schempp* were decided; i.e., when prayer such as the Regents' prayer and readings from the Bible without comment were not thought to be unconstitutional. However, the proposed amendment affirms the fundamental right of every person to reject any religious belief, as he or she deems fit, and not participate in the expression of any religious belief.

A. Elimination of the prohibition against prayer

The proposed amendment provides that "Nothing in this Constitution shall be construed to prohibit individual or group prayer . . . ." This language is intended to overrule *Engel* v. *Vitale*, which forbade the reading of brief state-composed prayers, and *Abington School District* v. *Schempp*, which forbade readings from the Bible. The proposed amendment would, therefore, make clear that the Establishment Clause of the First Amendment could no longer be construed to prohibit the government's encouragement or facilitation of individual or group prayer in public schools, and that students should be allowed to participate in such prayer with the support of school authorities.

The language of the proposed amendment would also foreclose an argument that the Free Exercise Clause of the First Amendment could be construed to forbid group prayer. Thus, the amendment rejects the "implied coercion" theory advanced in *Engel* v. *Vitale*, 370 U.S. at 431, which presumes that any group prayer by consenting students has a coercive effect upon the objecting students in violation of their right to free exercise of religion, and that therefore no prayer is constitutionally permissible.[61] However, as discussed below, the proposed amendment expressly protects the right of objecting students not to participate in prayer. This provision is sufficient to protect the rights of those who do not wish to participate without denying to all others who desire to pray an opportunity to do so.

B. Availability of prayer

The intent of the proposed amendment is to leave the decisions regarding prayer to the state or local school authorities and to the individuals themselves, who may choose whether they wish to participate. The proposed amendment would not require school authorities to conduct or lead prayer, but would permit them to do so if desired. Group prayers could be led by teachers or students. Alternatively, if the school authorities decided not to conduct a group prayer, they would be free to accommodate the students' interest in individual or group prayer by permitting, for example, prayer meetings outside of class hours or student-initiated prayer at appropriate, nondisruptive times, such as a brief prayer at the start of class or grace before meals. School authorities could, of course, develop reasonable regulations governing the periods of prayer, in order to maintian proper school discipline.

The language of the proposed amendment would remove the prohibition of prayer imposed by judicial construction of the First Amendment, but is not intended to create a new, affirmative constitutional right to prayer. The source of a right to prayer is found in the First Amendment's guarantees of free exercise of religion and freedom of speech, although most courts considering the question have rather narrowly construed the free Exercise Clause as applicable only in the case of an "inexorable conflict with deeply held religious beliefs."[62] The proposed amendment would not, by its terms, alter past constructions of the Free Exercise Clause or the Free Speech Clause as a source of a right to prayer. Of course, to the extent that a right of prayer could be based on the Free Exercise Clause or the Free Speech Clause, the right would remain subject to reasonable state restrictions governing the time, place, and manner of its expression.[63]

C. Type of prayer

If school authorities choose to lead a group prayer, the selection of the particular prayer—subject of course to the right of those not wishing to participate not to do so—would be left to the judgment of local communities, based on a consideration of such factors as the desires of parents, students and teachers and other community interests consistent with applicable state law. The amendment does not limit the types of prayer that are constitutionally permissible and is not intended to afford a basis for intervention by federal courts to determine whether or not particular prayers are appropriate for individuals or groups to recite.

The proposed amendment also does not specifically limit prayer in public schools and other public institutions to "nondenominational prayer." A limitation to "nondenominational prayer" might well be construed by the federal courts to rule out virtually any prayer except one practically devoid of religious content. Because of the Supreme Court's current construction of the Establishment Clause,[64] any reference to God or a Supreme Being could be viewed as "denominational" from the perspective of a non-theistic sect.[65] Readings from the Bible and other identifiably Judeo-Christian sources similarly might be excluded as "denominational."[66]

Moreover, a limitation to "nondenominational prayer" would not only preclude arguably sectarian prayer that may be promoted by the state but also would prevent individuals or groups, acting on their own and with no encouragement from the state, from participating in sectarian prayer in public places. The amendment is intended to enable the state to allow voluntary, privately-initiated prayer in public places, such as saying grace before meals or attending an informal prayer meeting before or after school.[67] It would clearly be inappropriate to constitutionally limit such privately-initiated prayer to "nondenominational" expression.

The determination of the appropriate type of prayer is a decision which should properly be made by state and local authorities. That was indeed the practice throughout most of this nation's history. In fact, the long history of prayer in public schools has produced a considerable body of state court decisions, decided before *Engel* v. *Vitale* and *Abington School District* v. *Schempp*, which clarify the scope of permissible prayers under state law. Because the proposed amendment merely would remove the bar of the Establishment Clause as construed by the Supreme Court, state laws which prohibit or restrict sectarian instruction in public schools would not be affected. For example, a number of state courts construed state constitutions or laws to prohibit sectarian instruction but not to prohibit readings from the Bible without comment or other brief devotional exercises.[68] In a few states, state courts ruled against prayer in public schools,[69] and those decisions would not be affected by the proposed amendment. In other areas, the state and local authorities would be left to determine the appropriate rules for prayer in light of current conditions. Thus, the proposed amendment is not intended to establish a uniform national rule on prayer, but to allow the diversity of state and local ap-

proaches to manifest themselves free of federal constitutional constraints.

The national heritage of prayer in the public schools and elsewhere suggests the types of prayer that might be followed in particular areas. Prayers could be based upon established religious sources, such as the Bible,[70] or could be suggested by school authorities in light of local circumstances. Examples of such prayers composed or selected by school officials are the Regents' prayer in *Engel* v. *Vitale*, and the fourth verse from "America," which was recited by New York City schoolchildren.[71]

D. Applicability of the proposed amendment

The amendment by its terms would apply to prayer in "public schools or other public institutions." The intent of this language is to make the remedial provisions of this amendment coextensive with the reach of the First Amendment's Establishment Clause as construed by the Supreme Court. The prohibitions of the Establishment Clause do not forbid prayer in private schools or institutions, and so the present amendment need not address the issue.

Although most controversies relating to public prayer arise in the context of public schools, the proposed amendment is drafted to apply to prayer in other public institutions, including prayers in legislatures.[72] In such public institutions, prayer could be permitted to the extent and under the conditions determined by the authorities in charge.

E. No person can be required to participate in prayer

The second sentence of the proposed amendment guarantees that no person shall be required to participate in prayer. This prohibition assures that the decision to participate in prayer in public schools and other public institutions will be made without compulsion. Those persons who do not wish to participate in prayer may sit quietly, occupy themselves with other matters, or leave the room. Reasonable accommodation of this right not to participate in prayer must be made by the school or other public authorities. Thus, the exercise of the right to refrain from participating cannot be penalized or burdened.

The proposed amendment does not refer to "voluntary" prayer, but incorporates the concept of voluntariness into the second sentence, which assures that students or others will not be required to participate in prayer if they do not wish to do so. One reason for this formulation is to make clear that the amendment rejects the "implied coercion" theory of *Engel* v. *Vitale*, 370 U.S. at 431. The term "voluntary prayer" might, moreover, be read to refer only to student-initiated prayer. The amendment is intended to include more than this. Public authorities should have the right to conduct public prayers for those who desire to participate, subject only to the express right of those who do not wish to participate not to do so.

The guarantee against required participation in prayer parallels and reaffirms the protection already afforded by the Free Exercise Clause of the First Amendment.[73] It is intended to be analogous to the Supreme Court's decision in *West Viriginia State Board of Education* v. *Barnette*, 319 U.S. 624 (1943), which held that students cannot be compelled to recite the Pledge of Allegiance.[74] Thus, the second sentence of the proposed amendment assures that students and others will never have to make a forced choice between their religious beliefs and participation in a state-sponsored prayer. Indeed, the second sentence of the proposed amendment provides greater protection than the Free Exercise Clause, because a person desiring not to participate in prayer need not show a religious basis for his belief.[75] Accordingly, there would be no need for an inquiry into the religious basis for a person's decision not to participate in prayer.

The fact that one or more students do not wish to participate in prayer, however, would not mean that none of the students would be allowed to pray. The provision forbidding required participation in prayer is intended to be sufficient to protect the interests of those students. As the Supreme Court stated in *West Virginia State Board of Education* v. *Barnette*, 319 U.S. at 630, with respect to the Pledge of Allegiance, "the refusal of these persons to participate in the ceremony does not interfere with or deny rights of others to do so." This would be the proper rule to apply with respect to school prayer: persons who do not wish to participate in prayer should be excused or may remain silent, but that should not interfere with or deny the rights of others who do wish to participate.

FOOTNOTES

[1] Rice, *The Prayer Amendment: A Justification*, 24 S. C. L. Rev. 705, 715 (1972).

[2] 3 Stokes, *Church and State in the United States* 180-93 (1950).

[3] 35 *The Writings of George Washington* 229 (J. Fitzpatrick ed. 1940).

[4] W. Berns, *The First Amendement and the Future of American Democracy* 13-14 (1976).

[5] *Engel* v. *Vitale*, 370 U.S. 421, 449 (1962) (Stewart, J., dissenting).

[6] H.R. Rep. No. 1693, 83d Cong., 2d Sess. (1954).

[7] *Engel* v. *Vitale*, 370 U.S. at 449 (Stewart, J., dissenting).

[8] Note, *Religion and the Public Schools*, 20 Vand. L. Rev. 1078, 1094 n.89 (1967). Before *Engel* v. *Vitale*, 370 U.S. 421 (1962), the New York City public school students recited this verse each day. Id.

[9] 126 Cong. Rec. H1168-73 (daily ed. March 30, 1982).

[10] The Court's statement in Zorach was simply one example of the long tradition of judicial acknowledgment of our religious heritage. The cases are replete with other examples. See, e.g. *Holy Trinity Church* v. *United States*, 143 U.S. 457, 465 (1892):

[N]o purpose of action against religion can be imputed to any legislation, state or national, because this is a religious people. This is historically true. From the discovery of this continent to the present hour, there is a single voice making this affirmation.

[11] See generally, L. Pfeffer, *Church, State, and Freedom*, 394-99 (1953); Beale, *A History of Freedom of Teaching in American Schools* 95 (1941); Note, *supra* note 8, at 1083-84.

[12] Hartford, *Moral Values in Public Education: Lessons from the Kentucky Experience* 31 (1958).

[13] 2 State of New York, *Messages from the Governors* (C. Lincoln ed.) 550-51.

[14] 2 Stokes, supra note 2, at 57, quoted in Brief of Intervenors-Respondents at 25, *Engel* v. *Vitale*, 370 U.S. 421 (1962).

[15] Id. See also L. Pfeffer, supra note 11, at 284-86.

[16] In 1876, the nonsectarian movement led to consideration of the so-called Blaine amendment in Congress, which would have imposed nonsectarian requirements on the states. In particular, the Senate version of the amendment would have forbidden the teaching of the "particular creed or tenets" of any religious group in the public schools, but it expressly stated that it would not prohibit "the reading of the Bible in any school or institution." 4 Cong. Rec. 5453 (1876). The House passed a version of the Blaine amendment, but the Senate version fell short of a two-thirds vote in the Senate. *Id.* at 5595. The amendment was defeated in part because of the belief that existing state constitutions were adequate to restrict sectarian instruction and in part because of partisan differences. See L. Pfeffer, supra note 11, at 131-32; *Illinois ex rel. McCollum* v. *Board of Education*, 333 U.S. 203, 218 (1948) (opinion of Frankfurter, J.).

[17] See *Abington School District* v. *Schempp*, 374 U.S. 203, 277 nn. 52 & 53 (1963) (Brennan, J., concurring) (citing cases and source materials).

[18] Brief at 15-16.

[19] *Everson* v. *Board of Education*, 330 U.S. 1 (1947). See also *Cantwell* v. *Connecticut*, 310 U.S. 296 (1940) (Free Exercise Clause).

[20] 2 *Writings of James Madison* 183-91, reprinted in *Everson* v. *Board of Education*, 330 U.S. 1, 63-72 (1947) (Appendix to opinion of Rutledge, J., dissenting). The Supreme Court in Everson and *Engel* v. *Vitale* quoted the views of Madison in interpreting the religion clasues of the First Amendment. See Everson, 330 U.S. at 11-13 (opinion of the Court); id. at 37 (Rutledge, J., dissenting), *Engel* v. *Vitale*, 370 U.S. at 436.

[21] *Everson* v. *Board of Education*, 330 U.S. at 16. This phrase is drawn from a statement by Jefferson, dated January 1, 1802, to the Danbury Baptist Association. The full text appears at 16 *Writings of Thomas Jefferson* 281-82 (Lipscomb and Bergh, eds. 1903).

[22] *Engel* v. *Vitale*, 370 U.S. at 445-46 (Stewart, J., dissenting).

[23] Criswold, *Absolute is in the Dark—A Discussion of the Approach of the Supreme Court to Constitutional Questions*, 8 Utah L. Rev. 167, 174 (1963).

[24] See Griswold, supra note 23, at 174; R. Healey, *Jefferson on Religion in Public Education* 256 (1962).

[25] 370 U.S. at 425-30.

[26] As introduced, Madison's proposal read: "The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established, nor shall the full and equal rights of conscience be in any manner, or on any pretext, infringed." 1 *Annals of Congress* 434 (1789).

[27] Id. at 729.

[28] Id.

[29] Id. at 730.

[30] Id. at 730-31.

[31] Id.

[32] Id. at 766.

[33] 2 B. Schwartz, *The Bill of Rights: A Documentary History* 1153 (1971).

[34] See *Engel* v. *Vitale*, 370 U.S. at 428 n.11.

[35] *Lemon* v. *Kurtzman*, 403 U.S. 602, 612 (1971).

[36] Malbin, *Religion and Politics* 15-17 (1978); Berns, supra note 4, at 8-9; Sky, *The Establishment Clause, the Congress and the Schools: An Historical Perspective*, 52 Va. L. Rev. 1395, 1418-19 (1966). Thus, as Justice Stewart has noted, "it is not without irony that a constitutional provision evidently designed to leave the States free to go their own way should now have become a restriction upon their autonomy," *Abington School District* v. *Schempp*, 374 U.S. at 310 (Stewart J., dissenting).

[37] *Zorach* v. *Clauson*, 343 U.S. 306, 312 (1952). The Court went on to suggest that prayers in legislative halls, thanksgiving proclamations, and "all other references to the Almighty that run through our laws, our public rituals, [and] our ceremonies" do not "flout . . . the First Amendment." Id. at 312-13.

[38] *Abington School District* v. *Schempp*, 374 U.S. at 309 (Stewart, J., dissenting).

[39] See Berns, supra note 4, at 68-72; Rice, supra note 1, at 709-16.

[40] See text at 1-2, supra.

[41] 374 U.S. at 219-20, quoting *Zorach* v. *Clauson*, 343 U.S. 306, 312 (1952). See also *Everson* v. *Board of Education*, 330 U.S. at 18.

[42] 374 U.S. at 220, quoting *Torcaso* v. *Watkins*, 367 U.S. 488; 495 (1961).

[43] *Stein* v. *Oshinksy*, 348 F.2d 999 (2d Cir.), cert. denied, 382 U.S. 957 (1965).

[44] *DeSpain* v. *DeKalb County Community School Dist.*, 384 F.2d 836 (7th Cir. 1967), cert. denied 390 U.S. 906 (1968).

[45] *Karen B.* v. *Treen*, 653 F.2d 897 (5th Cir. 1981), aff'd mem., 102 S. Ct. 1267 (1982). Accord, *Kent* v. *Commissioner of Education*, 402 N.E.2d 1340 (Mass. 1980).

[46] *Lubbock Civil Liberties Union* v. *Lubbock Independent School District*, 669 F.2d 1038, 1042-48 (5th Cir. 1982); see also *Brandon* v. *Board of Education*, 635 F.2d 971, 977-79 (2d Cir. 1980), cert denied, 102 S. Ct. 970 (1981); *Trietley* v. *Board of Education*, 65 A.D.2d 1, 409 N.Y.S.2d 912 (1978).

[47] *State Board of Education* v. *Board of Education*, 108 N.J. Super. 564, 262 A.2d 21, aff'd, 57 N.J. 172, 270 A.2d 412 (1970), cert denied, 401 U.S. 1013 (1971).

[48] *Collins* v. *Chandler Unified School Dist.*, 644 F.2d 759 (9th Cir.), cert. denied, 102 S. Ct. 322 (1981).

[49] *Id.* at 761; *Lubbock Civil Liberties Union* v. *Lubbock Independent School District*, 669 F.2d at 1042-48; *Brandon* v. *Board of Education*, 635 F.2d at 978-79. The recent Supreme Court decision in *Widmar* v. *Vincent*, 102 S. Ct. 269 (1981), does not retreat from these principles. In that case, the Court held that a state university may not, consistent with the First Amendment's guarantee of free speech, exclude a student religious group from utilizing university facilities for meetings where those facilities were generally open for use by student groups. As the court pointed out, the question at issue in *Widmar* "is not whether the creation of a religious forum would violate the Establishment Clause." *Id.* at 276. Instead, given that the university opened its facilities to general student use, "the question is whether it can now exclude groups because of the content of their speech." *Id.* In this context, the Court did not believe that the primary effect of the open facilities policy would be to advance religion. *Id.*

[50] *Chambers* v. *Marsh*, No. 81-1077 (8th Cir. Apr. 14, 1982). But see *Zorach* v. *Clauson*, 343 U.S. at 312-13 (suggesting that "[p]rayers in our legislative halls" do not "flout[] the First Amendment").

[51] See text at 7-14 supra. See also T. Cooley, *General Principles of Constitutional Law of the United States*, 224-25 (3d ed. 1898); 3 J. Story, *Commentaries on the Constitution of the United States*, § 1866 (1833).

[52] J. Story, supra note 51, § 1868.

[53] Griswold, supra note 23, at 174.

[54] *Abington School District* v. *Schempp*, 374 U.S. at 312 (Stewart J., dissenting).

[55] Id. at 312-13, quoting *Murdock* v. *Pennsylvania*, 319 U.S. 105, 111 (1943).

[56] *Abington School District* v. *Schempp*, 374 U.S. at 313 (Stewart, J., dissenting).

[57] Rice, supra note 1, at 714. See also *People ex rel. Vollman* v. *Stanley*, 255 p. 610, 616 (Colo. 1927).

[58] Polls have shown that public approval of voluntary school prayer ranges from 69 to 85 percent of the population. See New York Times, May 7, 1982, p. B 40. Such clear public sentiment in favor of school prayer supports the need for this constitutional amendment.

[59] For example, the brief reading in *Abington School District* v. *Schempp* were designed to serve such secular purposes as "the promotion of moral values, the contradiction to the materialistic trends of our times, the perpetuation of our institutions, and the teaching of literature." Id., 374 U.S. at 223.

[60] See "The Regents Statement on Moral and Spiritual Training in the Schools" (Nov. 30, 1951), Appendix A to Brief for Board of Regents as Amicus Curiae, *Engel* v. *Vitale*, 370 U.S. 421 (1962).

[61] See also *Abington School District* v. *Schempp*, 374 U.S. at 288 (Brennan, J., concurring).

[62] See *Brandon* v. *Board of Education*, 635 F. 2d at 977-80; *Stein* v. *Oshinsky*, 348 F.2d at 999-1002; *Hunt* v. *Board of Education*, 321 F. Supp. 1263 (S.D. W.Va. 1971); *Kent* v. *Commissioner of Education*, supra.

[63] See, e.g., *Stein* v. *Oshinsky*, 224 F. Supp. 757, 760 (E.D.N.Y. 1963) ("The rights of [students] to say voluntary prayer must be subject to such reasonable rules and regulations as may be prescribed by the school authorities"), rev'd on other grounds, 348 F.2d 999 (2d Cir.), cert. denied, 382 U.S. 957 (1965). Cf, *Heffron* v. *International Society for Krishna Consciousness*, 101 S. Ct. 2559 (1981) (restriction on distribution of religious literature upheld); *Grayned* v. *City of Rockford*, 408 U.S. 104 (1972) (restriction on demonstration near school upheld). Thus, school officials would be able to schedule periods of prayer in a manner so as not to cause disruptions during the school day; similarly, a judge or legislative committee could limit prayer to the opening of a day's session, not during the middle of a jury argument or a hearing.

[64] See *Abington School District* v. *Schempp*, 374 U.S. at 220; *Engel* v. *Vitale* 370 U.S. at 430-33.

[65] Such non-theistic religions might include "Buddhism, Taoism, Ethical Culture, Secular Humanism, and others." *Torcaso* v. *Watkins*, 367 U.S. at 495 n.11. One court has construed Transcendental Meditation as a "constitutionally protected religion." *Malnak*, v. *Yogi*, 592 F.2d 197, 214 (3d Cir. 1979).

[66] See *Abington School District* v. *Schempp*, 374 U.S. at 282 (Brennan, J., concurring) (asserting that "any version of the Bible is inherently sectarian").

[67] Cf. *Stein* v. *Oshinsky*, 348 F.2d 971 (grace before meals); *Brandon* v. *Board of Education*, 635 F.2d 999 (prayer meeting before school).

[68] See *Abington School District* v. *Schempp*, 374 U.S. at 277 n. 52 (Brennan, J., concurring) (citing cases in Colorado, Florida, Georgia, Iowa, Kentucky, Kansas, Michigan, Minnesota, New Jersey, New York, Tennessee and Texas). The Appendix to the Brief for Appellants in *Abington School District* v. *Schempp* summarized 25 state laws or constitutional provisions which were construed to permit readings from the Bible. These laws are consistent within the experience of many states which, although removing sectarian instruction from the schools, nevertheless permitted readings from the Bible. See text supra at 6.

[69] See *Abington School District* v. *Schempp*, 374 U.S. at 275 n. 51 (Brennan, J., concurring) (citing cases from Illinois, Louisiana, Nebraska, South Dakota, Washington State, and Wisconsin).

[70] In *Abington School District* v. *Schempp*, 374 U.S. at 207, 211, the school authorities permitted the use of different versions of the Bible.

[71] See note 8 supra.

[72] One court has ruled unconstitutional a state legislature's practice of retaining a chaplain to offer prayers, and a similar challenge to chaplains in Congress is pending. See text at 19 supra.

[73] See *McDaniel* v. *Paty*, 435 U.S. 618 (1978) (state statute barring ministers from service in state legislature violates right to free exercise of religion); *Wisconsin* v. *Yoder*, 406 U.S. 205 (1972) (state compulsory school attendance law violates free exercise rights of Amish parents); *Sherbert* v. *Verner*, 374 U.S. 398 (1963) (conditioning unemployment benefits on acceptance of Saturday work violates free exercise rights of a Seventh-Day Adventist).

[74] See also *Torcaso* v. *Watkins*, 367 U.S. 488 (1961) (state law requiring affirmation of belief in God as a condition to public employment violates free exercise of rights).

[75] A person relying only on the right to free exercise of religion must show a fundamental conflict between religious convictions and state-imposed obligations, but, even so, the state may justify an infringement upon religious liberty by showing that it is "essential to accomplish an overriding government interest." *United States* v. *Lee*, 102 S. Ct. 1051 (1982), citing, *Thomas* v. *Review Bd. of Indiana Employment Sec.*, 101 S. Ct. 1425 (1981); *Wisconsin* v. *Yoder*, 406 U.S. 205 (1972); *Gillette* v. *United States*, 401 U.S. 437 (1971); *Sherbert* v. *Verner*, 374 U.S. 398 (1963). In Lee, the Court did not dispute that mandatory payment of social security taxes violates Amish religious beliefs. 102 S. Ct. at 1055. The Court nonetheless found that the overriding public interest in a strong social security system justifies this burden on religious beliefs, and that the imposition of such a burden did not violate free exercise rights. Id. at 1056-57.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. EVANS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EVANS. Mr. President, I have listened with great interest over the last several minutes and, of course, with my colleagues have listened avidly over the past 2 weeks to the debate on school prayer. I have read earnestly. I have heard daily from constituents. Before we have an opportunity to vote I wish to share some thoughts with my colleagues.

In all of the debate, we have missed one exceedingly important question, although we have certainly skirted it, and that is: Should the Constitution itself be subject to change of this type?

I may not be a fundamentalist when it comes to religious practices, as I am a Congregationalist instead, but I am a fundamentalist when it comes to the Constitution. Our Constitution, any constitution, it seems to me, should have two fundamental elements, the organization of Government under which we operate, and the basic rights reserved to all citizens. I think this Constitution has lived strong and vital for 195 years following these principles. In contrast, our own State constitution, the constitution of the State of Washington, is seven times as long as the Federal Constitution, and ours is by no means the longest and the most detailed of the State constitutions of this Nation.

In the 95 years of Washington's history, we have amended that Constitution 74 times.

I think it is revealing then to examine the 26 amendments we have made to the U.S. Constitution in 195 years. Ten of those, of course, were adopted long with the Constitution as our bill of rights and, of course, we are subjecting one of those to potential change now. Two of them canceled each other, prohibition, and the repeal of prohibition. The 14 remaining are of two types: One is ministerial or organizational. The establishment, for instance, of a two-term limitation for a President, and several constitutional amendments which have repeatedly changed the succession of the Presidency. The other type is those which deal with fundamental rights or responsibilities of citizens.

Eight of the fourteen are organizational in scope. Only six amendments in the 195 years of our history have been those relating to fundamental rights and responsibilities. And what are they? The 13th amendment, which abolished slavery; the 14th amendment, which came along just behind it stating that citizenship rights were not to be abridged by the several States, the so-called interstate commerce clause, and it arose out the Civil War; the 16th amendment, which I suspect some would repeal if they had the chance, establishing the income tax for this Nation; and the 15th, the 19th, and the 26th, all expanding the right to vote, the first to those of all races, the second to women, and the third to 18 year olds.

I think that leads us to the first question we should approach in this debate. Does this or any of the several current proposals fit the historical mold of those few but great amendments which have been adopted to our Constitution?

The issue before us seems to relate to a concern of citizens over the general state of our schools, and probably to the piety of our people. And that leads to the second question: If religion in this country is really weak, does this

proposal strengthen religious beliefs? Even though advocates are careful to separate prayer in school from governmental supervision of that prayer, the teacher will end up playing a vital role.

If there is one great problem in our school systems today, it is that we have overburdened our teachers with many, many elements beyond their most fundamental one of providing teaching to our children. Harried, overworked teachers are now being called on to be substitute parents, to be guardians, to be policemen, and this will add the exceedingly disagreeable responsibility of referee.

The third question is really the alternate of the second. If religion is really strong, does this then enhance religious practices in this Nation, or does it really reduce or dilute the religious practices of many? I suggest that prayer, whether vocal or silent, if organized and led through the school systems in the regular school hours, will be unfulfilling for the devoted, puzzling for the questioning, and annoying to the nonbeliever.

The next element which I find most troubling is that this Senate operates on a committee process. Almost all legislation which is referred to the Senate floor has received not only the scrutiny, the critical scrutiny, of a committee, but a recommendation from that committee. We heard today in the exchange between the Senator from Arkansas and the Senator from Illinois the differences in interpretation, the questions, which are legitimate ones, as to the meaning of the various amendments. And yet we have had no recommendation from the committee.

We have had no recommendations or even hearings on some of the specific compromises which have been suggested during the course of the last couple of weeks.

The issue, of course, is a difficult issue. I have tried to read and to listen to constituents to understand better the history of our Constitution and what our forefathers had in mind as they wrote it. These are personally and fiercely held beliefs, and they are honest beliefs on both sides of the issue. But the nature of our difficulty, it seems to me, is emphasized by the variety of approaches. Some suggest that organized silent prayer would equate to an authorization or encouragement of transcendental meditation, and some of my constituents have suggested just that. Some suggest that these prayers should be student led; others that they should be teacher led and organized. Others suggest that there simply is no compromise on the issue and that those who have sought compromise cannot succeed. Others suggest that current court decisions lead toward an antagonism toward prayer rather than a professed neutrality.

With these issues and these questions posed, in my view, the proposed amendments, both vocal and silent, fall on all counts. There is no committee recommendation to guide this Senate as a result of the hours of hearings they held. I do not believe it ranks with the other six amendments which have been adopted in the 195 years of our history. I believe that the courts will continue to interpret and define, as they have done for almost 200 years, to keep this document a living, modern framework for our people.

Again, as was pointed out by the Senator from Arkansas, the Supreme Court has yet to rule on some of the issues which are immediately before us in proposed amendments. They could very well rule and, in doing so, resolve some of the problems we have before us rather than going through the many years required to establish a constitutional amendment.

Now, I do not oppose this amendment because I do not believe in prayer, but I oppose it because I believe so fervently in the personality and the privacy of prayer. I am a Christian and occasionally at least go back to the Bible. And I think Jesus said it about as well as any in Matthew 6, verses 5 through 8,

> And when thou prayest, thou shalt not be as the hypocrites are: for they love to pray standing in the synagogues and in the corners of the streets, that they may be seen of men. Verily I say unto you, They have their reward.
>
> But thou, when thou prayest, enter into thy closet, and when thou hast shut thy door, pray to thy Father which is in secret; and thy Father which seeth in secret shall reward thee openly.
>
> But when ye pray use not vain repetitions, as the heathen do: for they think that they shall be heard for their much speaking.
>
> Be not ye therefore like unto them: for your Father knoweth what things ye have need of, before ye ask him.

I fear that while controversy rages around this issue today, it will rage even more burdensomely and for longer if we in fact pass such an amendment—burdensome to teacher and parent alike. Let me read to you a thoughtful letter from one of my constituents, from his own experience as a child.

> News reports that the Senate will soon debate prayer in public schools vividly recalls my experience as an eighth grade student.

I might say to the Senator from Illinois an eighth grade student in the State of Illinois.

> Fifty years ago, my parents were Catholic and, since our town did not have a Catholic Church, we attended church and Sunday school in a nearby community. The priest, knowing that public schools in that part of Illinois had a form of religious service, told us it would be a sin if we Catholic children participated.
>
> The practice in our school was for each student to recite a statement from the Bible different from any other student and the row with the best performance was the first dismissed for recess, lunch, and at the end of the day. At first, my seating row could never be first dismissed because I refused to participate. Eventually though, I gave in to peer pressure and learned several short statements. The only one I remember 50 years later is "Jesus wept." My row did not fare well anyway because often some other student recited "my" statements before my turn came.
>
> I can still remember, and so can my sister, the problems of being the only Catholics in our classes and feel strongly that prayer does not belong in school.

I also had a phone call and spent some considerable time with a distinguished retired teacher from the State of Washington, who worried desperately that this amendment would almost certainly result, perhaps not immediately but as time goes on, in public educational institutions increasingly shaping religious values and that this could be the first small skirmish in what could swell into a battleground of denominations.

Finally, the passage of this amendment would require us to go through a new and a lengthy process of court interpretation, years of the courts, once again, trying to identify more particularly case by case what this new constitutional amendment really means.

Two final observations, one modified by the exceptionally fine dialog between the Senator from Illinois and the Senator from Arkansas. I might say, in spite of excellent leadership in dialog between the Senator from Utah and the Senator from Connecticut, and all the splendid statements of my colleagues, this has really not been a debate in the historic sense, but rather a series of statements given to a largely empty Chamber. Reading the CONGRESSIONAL RECORD, or listening to those hollow voices through a squawk box, is a thin substitute for the traditional debates that this Senate was once noted for. I would hope at some time the Senate might make it possible to congregate in the final stages of a debate as important as this and once again institute live rather than sterile debate in the U.S. Senate.

In this abbreviated session of 1984, I just wonder whether we have our priorities straight. I am confident that God will remain in the heart of every child who will let him in, with or without this amendment. But the Nation's economic recovery may not last until we propose, debate, and pass an effective deficit reduction program. And none of us may survive at all unless we devise an appropriate way to secure nuclear arms reductions and a more secure peace. I hope that we may promptly proceed in this Senate to these and the other vital issues of 1984.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I commend the distinguished Senator from Washington for his very eloquent statement. Indeed, he points out with precision the difficulties that we encounter when considering any constitutional amendment proposed on the floor, and more specifically, how we as legislators could improve on what we have now, which is the first amendment of the Constitution as it is now written.

Before trying to give a little background as to where we are right now, vis-a-vis, the amendment before us, I would like to ask the Senator from Illinois a question. This question has been propounded to the Senator from Utah and to the Senator from Iowa, but I have yet to get an answer. However, the distinguished Senator from Illinois knows of something that has not yet been revealed in response to the following question. I wonder if the Senator from Illinois is able to cite one court decision, one law, State or Federal, or one portion of the Constitution that prohibits anyone, child or adult, from praying as an individual in school today.

Mr. DIXON. An individual?

Mr. WEICKER. Yes.

Mr. DIXON. As separate and apart from the organized silent prayer, or silent reflection?

Mr. WEICKER. That is right.

Mr. DIXON. I cannot.

Mr. WEICKER. In the very response, then, are the words which bring your point of view into conflict with the Constitution as separate and apart from organized silent prayer or, as the distinguished Senator from Illinois stated in his dialog with the Senator from Arkansas, structured silent prayer, structured reflection.

That is the whole point. That is where this amendment encounters difficulty. Words like structured or organized are exactly what complicates this issue. All of a sudden prayer or reflection become an activity of the institution of government.

The fact that we are talking about schools, as I have said many times before, does not relieve this or similar amendments of the onus of being government sponsored prayer. School is government. The words are interchangeable. In this context government means prayer, or school prayer.

If you ask the question, are you in favor of government prayer, 99 percent would likely say no. School prayer? Yes. The words are interchangeable. School, in this case, is government.

In this instance you are using the institution of government to bring about a desired result insofar as it relates to religion. That is why the proposal of the distinguished Senator from Illinois runs afoul of the Constitution.

Now let us see where we are in the parliamentary sense because I think it is important that my colleagues be apprised of the background of what has transpired today.

The Senator from Illinois said he wants his amendment decided. That is fair enough. There are at least 20 other Senators who also had amendments, all who participated in this debate, all who wanted their amendments decided. But when the time came yesterday for a unanimous-consent request, all the other Senators, with the exception of the Senator from Illinois, were willing to lay their amendments aside in order that the President might have an up-or-down vote on his amendment. Senators, I might add, who had participated rather consistently in the debate on this matter and each of whom had their own amendments.

What the Senator from Illinois is in effect saying, "I want to piggyback on the President's amendment so that I can be first in line."

What this Senator tried to do, and I started from the position of not wanting to have anything voted on, was to say, "All right, let us take at least a first step and start voting. Let us give the President of the United States an up or down vote on his amendment." However, I do not think the President will win and I have made no secret of it.

And I might add this matter was cleared with the President himself. He realizes the risk involved here. But everybody, the majority leader and the 20 Senators with their amendments, this Senator, the President, everybody wanted to get the process on track.

During these negotations, I did not know where we were going to end up. I made no commitments, either as to debate or no debate. It was a very simple process. Senator HELMS stood here Monday night and said, "Let us vote." My response on Tuesday morning was, "So be it. Let us vote."

So when the Senator from Illinois jumps in on the matter and uses this as the occasion to come to the head of the line, there might be some who would object. Certainly I would, and not only for myself but on behalf of those who were patiently waiting to have their own amendments called up.

I think it important to set the record straight. There was no delay contemplated by my colleagues that share my viewpoint on this issue. We knew that sooner or later we would have to be involved in the voting process and we were willing to start that process.

Indeed, we had 1 week's worth of debate on the prayer issue and at the outset of the second week of this debate we sat down with the majority leader and tired to facilitate his job.

Now the Senator from Illinois also is saying that he wants to tell the majority leader what the order of business is before the Senate. I have no commitment with the majority leader as to what happens after we vote on the President's amendment. I have absolutely no commitment from the majority leader that guarantees we will not raise the issue about which the Senator from Illinois is concerned. That could very well be the next business of the Senate. I do not know. And I did not ask for this commitment.

It was merely an agreement with all parties in this debate that we get on with the business of voting on the President's amendment and the responsibility for not voting on it now is placed directly on the head of the Senator from Illinois.

Ninety-nine other Senators wanted to proceed with a vote on Senate Joint Resolution 93 as of last night. The Senator from Illinois did not. I repeat, there are at least 20 amendments pending on this matter and there is no possibility that a solution involving all 20 amendments is going to be evolved in one fell swoop.

So let the record show that the man who precipitated the issue—I am very much in disagreement with him—was the President of the United States. Not the Senator from Illinois, but, rather, the President, who felt that State prayer was an important issue—is not going to have this vote under these circumstances. Indeed, a serious question is raised because now we cannot arrive at an agreement which is fair to all sides. And, it must have been fair, because 99 Senators gave their OK, the preponderance of whom are in opposition to this Senator and to the others on my side. All thought the unanimous-consent agreement was fair. But, now unfortunately, one amendment and one amendment only has made it to the head of the line.

It is not easy for me to discuss this matter on the floor. However, I believe it is important that the public know that what has happened is not a matter of delay by those who "are against prayer in the schools." Rather it is now a delay by those who want to have their solution to the problem voted on. And if they do not enact their solution, then the whole process must be stalemated.

Now, Mr. President, we have the amendment of the distinguished Senator from Illinois before us for, as he says, "organized reflection," "organized silent prayer," as he says, "structured silent prayer," or "structured reflection." Why does he, or those who propose this amendment, have any right to say to my child, "Your prayer shall be structured silent reflection or meditation"?

My children are taught to pray out loud and in a very specific way. They are also told, quoting from the Bible in the words shared with us by the distinguished Senator from Washington,

that they need not pray in any set way or audibly. Yes, they can do it silently if they want to, but why should there be anything that indicates how it is that these children are going to pray?

Right now, we enjoy total freedom under the first amendment of the Constitution of the United States. What the Senator from Illinois wants to do, in a politically innocuous way and, as he perceives it, in a popular way, is to create a situation in religion and, more specifically, prayer religion, that to me as a parent and to the leaders of my political flock is more objectionable than what already exists.

I do not exactly understand what compels the Senator from Illinois to restrict our current religious freedoms. I think he, along with many others of good will, feels that what they want to restore are some traditional values, traditional practices. Those traditional values and practices hurt a lot of people.

In my generation and those before mine, we looked upon group prayer as some sort of warm little event in the course of our school day. Yet, if you were Jewish, if you were a Muslim or a Hindu or anything but Christian and Protestant, it was a very uncomfortable moment. Those who experienced that discomfort could not say so because to say so would invite even more ridicule and more hurt. But we now know, since many of these persons have grown up and free to speak, that these were very painful moments.

I know that my children and the children of my friends have a greater religious tolerance today than I or my friends ever had. Quite frankly, they do not care about their classmates' religion. They make their friends on the basis of other values than faith. I think that because they have accomplished this, then they may be more Christian, to use my faith, than I ever was or ever will be. Slowly but surely, we have done away with the religious prejudices that we have taught. Some of these prejudices were taught by word, other by deed, others by tradition and practice. Remember the words of Rogers and Hammerstein in South Pacific, "You've got to be taught how to hate." Well, we have taught and we have taught in many different ways.

I remember when my two oldest boys, Scott and Gray, were growing up in Greenwich, Conn. Both of them were fine baseball players. Scott was a catcher, Gray was a pitcher. Gray has gone on, he is a professional hockey player now in the National Hockey League. Long ago, Scott hung up his mitt. But they both loved baseball. They played in the little league.

I shall never forget an incident that occurred at that time that impressed me as to far we have come in eliminating prejudice in this country. Greenwich, Conn., does not have a large black population. It is very small. One of the finest athletes in the town of Greenwich was a young black by the name of Moochie Waddell, who played on Scott's team. One day prior to a game, Scott was catching batting practice in the cage and a reporter from the local newspaper approached him. He turned to Scott and said, "Hey, kid, which of the kids out there is Moochie Waddell?" Well Moochie was the only black child on the team. But Scott looked around where people were catching and throwing and warming up for the game, and he pointed—I was standing around the cage so I heard this whole dialog and he said, "He is the kid in the pink shirt."

Now, that is the difference of perception of a new generation—not of mine or those who are older and are trying to retain the old traditions and the old values. I think we have come a long way toward realizing the American dream in many ways, and religion is one of them.

I have said it here before and I will say it again. If there had been a constitutional amendment on this floor 50 years ago, do you think, it would have been anything as sophisticated as the amendment of the distinguished Senator from Illinois?

Do you think it would have said:

Nothing in this Constitution shall be construed to prohibit individual or group silent prayer or silent reflection in public schools. No person shall be required by the United States or by any State to participate in such prayer or reflection. Neither the United States nor any State shall compose any prayer or encourage any particular form of prayer or reflection.

The authorization by the United States or any State of equal access to the use of public facilities by student voluntary religious groups shall not constitute an establishment of religion?

No. I will tell you what it would have said. It would have amended the first amendment, and we would have had a prayer, it would have been audible, it would have been Christian, and, more specifically, it would have been Protestant. In any manner, shape, or form, in terms of how human being perceives human being, I do not yearn for the good old days when I went to school. Sure, there are going to be just as many likes or dislikes among classmates, but at least they will not relate to the color of a person's skin or their religion or economic status—the good old values. Let me tell you, the good old values might have been all right in an earlier day, but they do not fly in this one, and I say thank God to that.

Tradition is a substitute for the Constitution? Racial prejudice was a tradition in the United States and thanks to Dr. King and the Supreme Court of the United States and then, belatedly, the Congress—we were the last ones to come into line—we made the Constitution come alive for nonwhites. It was no longer just words; it became reality.

(Mr. EVANS assumed the chair.)

Mr. WEICKER. Tradition said that the retarded and the disabled were put away in large institutions and forgotten. Mainstream—the word that we now hear in reference to these people who can share so much of the same life that the rest of us enjoy—was never used. People used to say well, one of the manifestations of Down's syndrome is that the child is fat and tongue is lolling out of his head. That has nothing to do with Down's syndrome. That has to do with the way society treats a Down's syndrome child. If you were put into a corner and left there as a child, you would be fat, too. And if you had a part of your anatomy that needed particular strengthening and there was no opportunity to do that, yes, then your tongue would loll out of your head. But I am telling you right now that has nothing to do with Down's syndrome. That is a symptom of the callousness of humanity. And yet, it was a tradition to take those of our society who were different and to put them off in a dark corner in a large building.

I do not yearn to go back to those days either. As every day goes by in the United States, as every year that is added to the calendar, the process works and we become a more perfect Nation.

Now, there is no necessity to punish ourselves by forgetting the precepts of the Constitution as it relates to history. We are no different from many other generations. Indeed, how long has it been since we have really had to remind ourselves of the first amendment by virtue of any particular event here in the United States?

In a dialog with my good friend from Utah, I asked him when the persecution of the Mormons took place. That was about 100 years ago. Now, we have had prejudice, and I am sure that we have even had injury and death resulting from religious prejudice, but that probably was the last mass effort by Americans to eradicate a particular religious sect. So really it has been 100 years since we have had religious persecution except for the more subtle ways individuals persecute individuals.

But may I remind you, a lot of times I fall into the trap of saying that the first amendment was mainly written by virtue of our European experience. In other words, those who came over from Europe—where religious persecution was rife—were determined not to see it repeated in the United States. I do say that, yet, it is not really accurate. That is not what truely precipitated the first amendment. The first amendment was precipitated by these people coming from Europe to the United States, where they were fleeing religious persecution. But, State by

State these people started to establish their own religions. Connecticut was Congregationalist; Virginia was Anglican; New Hampshire was Congregationalist; and so on. The first amendment was added to the Constitution in response to the persecution that took place in the States; a persecution that was inflicted by those who had ironically been through the experience of being persecuted. So, if our forefathers could not remember the values upon which the United States was founded, I think we can all be excused if 100 years later if we, too, have done a little bit of forgetting.

But the first amendment was devised principally by James Madison, by Thomas Jefferson, and it all came to a head in the State just across the river, Virginia, when a group of legislators proposed a bill which would impose a tax, the proceeds of which was to be used to pay the teachers of a Christian religion in the Virginia public school system.

It was at that juncture that Madison rose and delivered his eloquent statements about the need for protection against the very practices from which we had fled in Europe.

So I have no doubt that if we permit the process to take its course insofar as our basic rights and freedom are concerned, we become more perfect, we come closer to the ideal as set forth in the Constitution. And there will always be modifications along the way; it is never a straight path. I might add that I do not want to see many more modifications such as the one I read about the other day in the Supreme Court decision in the Pawtucket case. I have no criticism on that decision, because for me, what the Supreme Court renders is the law of the land. It is not the result that bothers me so much but, rather, how the Court reached that result.

Because to reach that result, one of two things had to have happened. Either the legal criteria had to change or my religion had to change. The Court chose to change my religion.

No, I do not look upon the community scene or the creche as a commercial happening or event. It is not some secular activity. It is not a historical event. But, it is the core of my religion.

That, I believe is the difficulty of getting Government—in this case, the Court—into religion. As I said, the decision does not bother me. We can all live with it. Maybe some modification was needed. But I wish they had changed the legal criteria, not my faith.

The other part of the Pawtucket decision that bothers me comes at the end—and I am paraphrasing—the Court said:

> Of course, this is 1984; so, really, what precipitated the first amendment, insofar as a fear of the Archbishop of Canterbury or the Vicar of Rome is concerned, is not happening in America and cannot happen here.

Any time this country thinks it is exempt from the lessons of history, we find ourselves confronted with big problems. Do you think history cannot be repeating today? Tell me the difference between today in Northern Ireland and the persecution of the Catholics in England at the time this Nation was founded. Tell me about the strife in Lebanon. When you turn on your television set in the evening and you see those children looking at you, some alive, some dead; mothers fleeing from gunfire, please tell me what is causing all of that. It is religion, pure and simple; faith against faith.

We have been blessed in this country because we set forth an ideal, even though it may not have been perfect. Yes, we, as a Nation have been moving toward it. So, we have been spared that kind of religious horror in the United States.

You say to me, "Senator, a little structured prayer is not the same thing. A little structured reflection is not the same thing."

Madison addressed that very point in his speech on the law, where "just a little money" was going to be raised to pay teachers for instruction in the Christian religion. He said:

> Because the proposed establishment is a departure from that generous policy, which, offering an asylum to the persecuted and oppressed of every Nation and Religion, promised a lustre to our country, and an accession to the number of its citizens. What a melancholy mark is the Bill of sudden degeneracy?

He is now talking about the act for the tax.

> Instead of holding forth an asylum to the persecuted, it is itself a signal of persecution. It degrades from the equal rank of Citizens all those whose opinions in Religion do not bend to those of the legislative authority.

And, here perhaps is his greatest line:

> Distant as it may be, in its present form, from the inquisition it differs from it only in degree. The one is the first step, the other the last in the career of intolerance.

I daresay that if any one of us saw a cross burning on our neighbor's lawn, we would do everything to assist immediately. But how many of us would step in to question an individual engaging in racial slurs at the neighborhood pub? That is where we should step in, not when we see the cross burning. That is why there can be no tampering with these very precious rights we all now hold, these matters of equality and total freedom that we presently enjoy.

I think one of the toughest moments I have had as a U.S. Senator was several years back, when the Reverend Moon was in the headlines because his followers were being accused of mind control over the Connecticut children who had left home and were participating in his particular faith. It was a popular thing for everybody to take off after the Reverend Moon.

I do not personally think much of the man or his particular faith, but I know one thing. I did not get on the anti-Moon bandwagon, because I figured—strange as it was to me—that it had a legitimacy in the sense that it was his faith. So, I do not want to start to pick and choose now as to what is and what is not going to be allowed in the religious sense nor in a political sense, nor in a legislative sense. If there is such a matter to be resolved, let it be resolved by the courts.

I say this because I think it very, very difficult, to deal with the unknown, the strange, the new, or the unfamiliar.

We all feel comfortable in our own religion. Indeed, we define religion in terms of Catholicism, Protestantism, Judaism, Hinduism, Moslem, and so forth. That is the genius of the first amendment. It does not give any definition as to religion because its drafters understood that religion may be something totally new and strange and unfamiliar to all of us, that there may very well be one true faith; and when it is espoused, that faith will be able to be heard here in the United States of America.

The first amendment is not a matter of how we feel at this time, in the year 1984. So far as these basic rights are concerned, they go on forever, and they are not tailored to our philosophies, our religion, our values, our prejudices. The first amendment sets a standard, and ideal, toward which we all strive.

This Dixon amendment and others like it just take us back a couple of steps. They pretend to relive history or, rather, the best parts of history. But as I stated at the outset, a history which some of us shared was a great hurt to many others.

The other day I received a letter from Justin Ross, of Pittsburgh, Pa., addressed to President Reagan at the White House, Washington, D.C. It says:

> DEAR PRESIDENT REAGAN: I am Justin Ross. I am 8 years old and I live in Pittsburgh. I am Jewish. We lived in Canada because my dad had a job there, but we are American. I went to school in Canada. In my school we had to say a prayer.
>
> Some of the children stood in the hall instead of saying the prayer. Everybody thought they were bad. One boy told me that I was going to Hell. Please don't make people hate me because I am Jewish. I do not hate you because you are not Jewish. It made me feel terrible to say the prayer.
>
> Signed,
>
> JUSTIN ROSS.

We now get to the essense of this matter which has to be addressed by the Senate. This is not a matter that can be resolved by parliamentary ma-

neuver. I am not going to use my parliamentary wiles to take the responsibility off of everyone's shoulders, and neither is it the responsibility of 100 Senators only, to grapple with this issue and take that responsibility. The responsibility belongs to the Nation as a whole. And the question is very clear and very simple. It is not complex.

It is, do we retain the present religious freedom that we enjoy and the promise of even greater freedom in the future and the elimination of all religious prejudice and freedom from the hurt that that prejudice incurs; or do we take the step backward toward tradition, a tradition of hurt and a tradition contrary, not only to the constitutional principles of this Nation, but to the tenet certainly of my faith and most every other one I know of, that is toleration of others.

I will repeat again and again what I have said during the course of this debate. There is no place in this country that any individual, young or old, is not free to address their God in their own way. There is no court decision that prevents that, none. There is no law, no statute law, there is no constitutional law that prevents that.

What is prevented is state religion. Can you believe the reasoning behind the arguments of the proponents of state prayer which invoke concepts we all thought were buried and gone? This should not be a matter of national principles; rather, they argue, we should have 50 States all doing their own thing, going right back, right back to the earliest days even before the first amendment. That is what precipitated the first amendment. We did have 13 different States, half of them with established religions, and some of them going toward that direction.

Then I heard them say: To accommodate those who wish to pray, let us have separate but equal facilities.

That is one of the amendments here—separate but equal. We got rid of that as far as education was concerned. Now we are going to get it back and try to apply it to religion.

I think that I share this Chamber with 99 brilliant and able men and women. I think we do very well addressing ourselves to the problems of our day insofar as specifics are concerned, but I tell you I have not found anybody yet, and I have seen all the amendments that have been drafted, and there is nobody, nobody of a vision or a capacity to better that which was written as our Bill of Rights, the first 10 amendments to the Constitution of the United States—nobody. There is no draftsmanship out here that can campare to that.

Now, we are caught up, of course, in a drafting mania as far as the Constitution is concerned. Do you think this is all we have had to contend with, those who are sitting around here today in the Chamber? No; what we have had to contend with—we wanted constitutional amendments on abortion, constitutional amendments on balancing the budget, constitutional amendments on line item vetoes, and constitutional amendments on prayer in school.

Now if any generation wants to waste the landscape, and they have done a pretty good job of that, that is bad enough, but at least leave the cornerstone of this Nation intact. Is there nothing sacred to borrow a phrase, in the Constitution of the United States? Is there nothing, in other words, that we are going to leave alone? It has worked. Maybe we are not working. I do not think we are, in the sense of what the deficit is, or with what the problems throughout the world are, or the human misery that exists. Maybe we are not working, but the Constitution is.

Do we have to consume everything around us, the air, the water, the people? Is there nothing left toward which we have a reverence?

My friends of the clergy, I might add, with whom I shared a few moments on the steps of the Senate, said it well, and I will read it here once again, and then that should bring me to a conclusion as to this portion of the debate. This was presented yesterday by a group of Christian and Jewish clergy. These were not Senators. These were not politicians. These were Americans, leaders of their respective flocks of different religions.

We the undersigned urge leaders of the religious community to join us at noon on Tuesday, March 13, on the East Central Steps of the Capitol to oppose the proposed amendments to the constitution regarding prayer in public schools.

It has been said in recent days by politicians and clerics that God has been excluded from the public schools and that by amending the Constitution we must put God back into the public schools. This is blasphemy. God can not be kept out of our schools by mere mortals, not even by the Supreme Court. This is not a quibble. These spokesmen for amending the constitution presume to speak for God, but the God for whom they speak is not the God of the Bible who thunders down from Mt. Zion. No, their god is but a household god who does the whims of people.

We know that God is there in the public schools right now stirring the hearts of teachers and children, yes, stirring them to prayer. There is prayer right now in public schools. There are prayers of compassion and concern and simple prayers for God's help. We have taught our children to pray and they are there praying now.

We have taught them to pray and we don't want government teaching them. Prayer is for the parents to teach and not the board of education. Prayer is for the church and synagogue to teach and not the government. We don't want some board of education committee watering down our faith as it toils to write a prayer which offends no one. Some of us address God known as Father, Son and Holy Spirit and some speak to the God of Abraham, Isaac and Jacob. These are our traditions and they are dear to us. We don't want any court or school superintendent imposing his or her belief on our children or worse still, taking all traditions and turning them into tasteless porridge.

We rejoice in our nation's pluralism and we have taught our children to celebrate its diversity. Furthermore, we have taught them to respect those who pray as well as those who don't. We don't want a government edict violating that respect whether it be by state prayer or by state imposed meditation. We religious people want the government off our backs and those of our children.

It has been said that religious men and women favor the prayer amendments and that atheists and non-believers oppose them. Don't demean us! We yield to no one in the passion of our belief. We stand here as Christians and Jews opposed to tampering with our priceless constitution, opposed to state enforced prayer or state enforced prayer hiding under a government imposed silence. We will not be silent. In the name of prayer, in the name of God, stop this nonsense and get on with the pressing business of state: peace and justice in the world and at home. The prolonged debate is diverting the attention of the Congress of the United States from these critical issues.

Prayer is our business, the concern of a religious people. Keep the long arm of government out of our discourse with God and leave the First Amendment alone!

Now, Mr. President, one last point, because it is referred to so many times that really what this is all about is to put our children back on the right path—our children. Our children did not lead us into Watergate and our children did not lead us into Vietnam. Our children did not stink up the landscape with toxic waste.

Now if there is concern out there, let it be for all of us in our generation—because I have indicated that I find the children today to be a great improvement upon me and those of my generation.

I will leave you with this, because I find from my experiences in life that the greater lessons get taught. It was right after I had come to the Congress of the United States in the House of Representatives. It was during the Vietnam war.

I received a call from one of the guards at the entrance to the Longworth Building saying, "Senator, there is a group of rather strangely dressed persons out here who say that you are their Congressman and they want to see you." He said, "They are a pretty scruffy-looking bunch. What do you want me to do?" I said, "Well, let them come in."

And this being 1969, and we all knew what was going on and how various people had chosen to abandon the traditional dress, sure enough, there appeared at my door a group of young high school students dressed in jeans with beards and granny dresses and all the things we saw at that time. They did not look like anybody I had grown up with. They did not look like any-

body who was serving in the House of Representatives. They were the "hippies," the ones to be despised.

But there was something very distinguishing about this group. They were a group of high school seniors from Roosevelt High School in Bridgeport, Conn. On a 1-for-1 basis, they had brought with them, each one, a retarded child and they had given up their vacation, their spring vacation, to bring this group to Washington to show them their Capitol.

Now, I ask you: Who understood what their Government and their Nation were all about better than those young people? Who better expresses, in my terms, the Christian ethic than those young people? The outward dress might have been uncomfortable, but the spirit was very comfortable in terms of what I had been taught both in secular and in ecclesiastical terms.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

Mr. WEICKER. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The bill clerk resumed the call of the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HELMS. Mr. President, on Tuesday, the distinguished and able Senator from Oregon (Mr. PACKWOOD), in debating the prayer amendment made remarks critical of proposals to have the Congress exercise its constitutional powers to limit the jurisdiction of the Federal courts. Senator PACKWOOD mentioned that he and Senator WEICKER led a filibuster for several weeks against prayer and abortion amendments I had offered to the debt limit bill, which was House Joint Resolution 520, in August and September of 1982.

In referring to those two separate amendments, Senator PACKWOOD said, "The bill combined prayer and abortion, and it said the Supreme Court could not hear any cases involving prayer or abortion." That quote appears in the CONGRESSIONAL RECORD on page 5268, March 13, 1984.

Well, Mr. President, roughly half of Senator PACKWOOD's statement is true. The prayer amendment did indeed limit the appellate jurisdiction of the Supreme Court so it could not hear cases involving voluntary prayer. But the right to life amendment did not remove the Supreme Court's appellate jurisdiction to hear abortion cases. In fact, the amendment provided for expedited Supreme Court review in such cases.

I will refer the able Senator to pages 21836 and 21837 of the RECORD of August 18, 1982, where the amendments are printed in full. I make this observation simply to set the record straight, and with no implied criticism of the distinguished Senator from Oregon.

Mr. President, along another line, on Monday the distinguished Senator from Missouri (Mr. DANFORTH), listed for the RECORD a number of religious organizations opposed to the school prayer amendment. Among those listed by the Senator was the Baptist Joint Committee on Public Affairs. Later in his speech, presumably referring to the participation of the Southern Baptist Convention in the Baptist Joint Committee on Public Affairs, he said this:

> The Southern Baptist Convention and the Lutheran Church Missouri Synod tend to be fairly conservative, and they have come out against the proposed constitutional amendment on prayer.

That statement can be found in the CONGRESSIONAL RECORD on page 5128, March 12, 1984.

Mr. President, my friend from Missouri is perhaps unaware that not everything the Baptist Joint Committee on Public Affairs does is in accord with the positions of its constituent members. In fact, in the case of the Southern Baptist Convention and the President's prayer amendment, there is a specific disagreement by the convention with the joint committee.

Mr. President, I am referring, of course, to the strong endorsement given the President's amendment by the Southern Baptists at their annual convention in 1982 held in New Orleans.

Mr. President, I ask unanimous consent that the 1982 Southern Baptist Convention Resolution No. 9 on prayer in the schools be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION No. 9—ON PRAYER IN SCHOOLS

Whereas, The first amendment to the Constitution of the United States of America clearly states that the Congress shall pass no law prohibiting the free exercise of religion, and

Whereas, The same first amendment protects us against the establishment of religion, and

Whereas, A constitutional amendment is pending wherein there is no violation of either of those ideals inherent in the separation of church and state, and

Whereas, This proposed amendment neither requires nor restricts the vocal expression of individual or group prayer in public schools, and

Whereas, Considerable confusion as to the rights and privileges guaranteed by the Constitution with regard to prayer in schools has been engendered by the Supreme Court decisions of 1962 and 1963, and

Whereas, Public school officials and lower courts have frequently misinterpreted these Supreme Court decisions as a ban on voluntary prayer, and

Whereas, For 170 years following the writing of the First Amendment, the right of prayer in public schools was a time-honored exercise and a cherished privilege, and

Whereas, Southern Baptists historically have affirmed the right of voluntary prayer in public places, and

Whereas, The proposed constitutional amendment reads simply, "Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institution. No person shall be required by the United States or by any state to participate in prayer," and

Whereas, This proposed amendment does not constitute a call for government-written or government-mandated prayer.

Therefore, be it *Resolved*, That we the messengers of the Southern Baptist Convention is session, June 1982, New Orleans, Louisiana, declare our support of the aforementioned proposed constitutional amendment.

Be it further *Resolved*, That we shall work continually to hold fast to our faith and to the freedoms in which we believe and by which we live.

Mr. HELMS. Mr. President, I would also point out that in the fall of 1982 the North Carolina State Baptist Convention endorsed a restoration of voluntary prayer in the public schools. This body represents more than 1 million Southern Baptists in North Carolina.

Mr. President, I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, may I say that I listened intently to the remarks of my friend from Connecticut.

I want the Chair to know that I enthusiastically support the comments that he had suggested on the floor earlier about the need for all of us to be together more often when these discussions are taking place. I am sincere when I say that my friend from Connecticut made, in my view, an absolutely moving presentation of his position here during the last better part of an hour. With the exception of those parts that refer to my position in this case, I found most of it the kind of observations that I could easily support in any public place.

I need, Mr. President, to set the record straight about several things that my friend from Connecticut said, only so that the RECORD would not remain silent insofar as my position on his remarks are concerned regarding my advocacy of this amendment.

First, my friend from Connecticut in the course of his remarks—and it will appear in the RECORD and I am not trying to reproduce those remarks exactly as given—said that the Senator

from Illinois jumped in at the head of the line.

Mr. President, the record will show that the Senator from Illinois has had this amendment on file at the desk since the beginning of this debate last week.

Mr. Dove, the Parliamentarian, who is not on the floor now, told me when I filed it last week—and I want the record to reflect that—that it was the first amendment to be filed. So that it was the first amendment, Mr. President, other than the pending business, Senate Joint Resolution 73.

I did not jump in at the head of the line. That should be understood.

Second, my friend from Connecticut said that the Senator from Illinois is trying to tell the majority leader how to handle the flow of business in the Senate.

Let me say to the public at large and every Member of the U.S. Senate that I am not trying to tell the majority leader how to run the Senate. As a matter of fact, for a Democrat I happen to be one of the most enthusiastic supporters of the competency of the majority leader. I think he does a dynamite job of running the Senate. I admire him greatly and I am not trying to tell him how to run his business.

The only thing I suggested to the majority leader in a conference, where the only three people who were present were the majority leader, the Senator from Connecticut, and myself, was this: I said:

> Mr. Majority Leader, let me say this: I do not have any objection to voting on the President's amendment. I just want the right to vote on mine. If you want to vote on his first, I grant that right. There is no quarrel about it. I just want to have an up or down rollcall on mine.

That is all I have ever said and it is all I ever wanted to do.

The majority leader has the power to say no to me, and he has said that. I have no personal quarrel with the majority leader about the position he takes, but I want to say this: If the day ever comes that any Senator—any Senator—feels compelled to go along with the crowd and deny this constituency the right to be fully heard and the right to have a rollcall on issues, then this Senate is in a lot of trouble.

I just say to my good friend from Connecticut nobody represents better than my good friend from Connecticut the sometimes lonely point of view that is sometimes expressed. I have listened to the eloquence of my friend from Connecticut time and time again in the 3 years I have been here. Nobody does a better job than he does in expressing his point of view and nobody, I might add, had stood alone more often since I have been in the Senate than my friend from Connecticut. So surely, he would want the Senator from Illinois to pursue his course.

My friend from Connecticut then said, and I have written this down, "The amendment of the Senator from Illinois might be the next one. I do not know."

I am warmly fond of my friend from Connecticut, but he does know. My friend from Connecticut was in the room with the majority leader and the Senator from Illinois when the majority leader told me that my amendment would not be called. so the Senator knows that my amendment would not be called if we went to the President's amendment first, and he is now sitting on this floor listening to my remarks. He was in that room, and he heard those words said.

He has said, "There are about 20 other amendments. Why go to this amendment?"

First of all, mine was the first filed, and first filed ought to be first considered. But, second, I said in that room, with the Senator from Connecticut and the majority leader, and in my remarks which appear in this RECORD at an earlier place, "I am willing to be 20th with my amendment. Take them all and take me last. I am not trying to be first. I am just trying to prevent one single vote on this issue."

Let me say this, Mr. President: That is what the President of the United States wants. That is what the majority leader wants. Curiously, in this situation, that is what the Senator from Connecticut wants. I do not blame him, because the Senator from Connecticut knows he has this beat and if we only have one vote and it goes down, as he walks from this place he has won the whole question. It is ended for all time, or at least at this time, in the Congress of the United States, and I object to that.

He said that 99 Senators were agreeable to the unanimous consent, but 1, the Senator from Illinois, objected.

I would quarrel with that. The Senator from Arizona, Senator DECONCINI, called me on the phone and said, "Persist in your view."

Let me say this for the purpose of argument, if I were the only one, I would do it every time again, and there is nothing more privileged in this Senate, thank God, than the right of any Senator, even a junior one like this Senator, to express his view, to represent his State, and to demand rollcalls on issues of paramount importance to this Nation. If I was the only one, so be it. The fact is I was not. But if I was, so be it.

My good friend, the Senator from Connecticut, said that if I do not get my solution, then I am willing to let the whole process bog down and we shall have a stalemate. To that, I say no, I shall vote them in any order you want; I shall take any time limitation you want; I shall take the President's first, last, in the middle, or sideways, all 20 or 21 or 100 if they want them.

Let us talk about the merits of the argument of the Senator from Connecticut, a brilliant man, a brilliant scholar, a noted orator. I do not come here pretending to be his equal in this place, but I want to respond to some things he said.

He made a brilliant argument, may I say, against an oral, audible, vocal prayer and a written one, but not much of an argument, I say to my friend from Connecticut—in fact, not an argument at all—against a silent prayer or silent meditation.

Why? Well, he talked about the students with their uncomfortable feeling. I want to ask everybody in America, what is uncomfortable? If the first thing in the morning in school, the teacher says, "Everybody get up for 1 minute now. You can silently pray, you can silently reflect," what is uncomfortable about that? How does that hurt anybody? It does not separate us by religion. It does not make a Jew or a Catholic or a Protestant or a Buddhist or anybody else look any different. It does not hurt a bit. It does not cause any discomfort.

I want my friend from Connecticut to know this: There is more discomfort in a Latin or an algebra test for a student than there is to stand silent for a moment and, in his or her own way, according to dictates of his or her own conscience, pray to his or her own God or meditate or reflect.

I want to say this: He read a letter from a boy, a Jewish lad, that I thought was a moving letter. The boy talked about how he went to school in Canada and those who did not want to pray had to go out in the hall. That is not applicable to my amendment, applicable to the President's amendment, absolutely. I consider it fatal as an argument against the President's amendment. It has nothing to do with my amendment for silent prayer.

Let me say this, Mr. President: I say get on with the business. I say vote. I say we have been here all of last week and 3 days of this week and we have done nothing. I say the public has a right to object to that.

I say when we have the foreign policy problems we have and the national debt we have and the hunger in America that we have and the unemployed that we have, and the monumental problems that are driving people in this country in many cases to their knees that we have, we ought to go on with the business of the country.

I say vote; I say start voting now. Vote any way you want to—vote the President's first, vote mine first, vote any way you want to, but start voting. Get it over with and go on to the business of the country.

I just also want to say this: a funny thing happens around this place once in a while; somebody listens. Not

often. Somebody was listening up there a while ago, Mr. President, and very kindly sent me down a book entitled "Mom, They Won't Let Us Pray" by Rita Warren. I must confess I never heard of Rita Warren and I never read the book. But I want to read the back of it to you:

BILL NO. 4890, THE COMMONWEALTH OF MASSACHUSETTS

AN ACT ALLOWING FOR A MOMENT OF MEDITATION FOR SCHOOL PRAYER IN THE PUBLIC SCHOOLS

At the commencement of the first class of each day in all grades in all public schools, the teacher in charge of the room in which such class is held shall announce that a period of silence not to exceed one minute in duration shall be observed for meditation or prayer, and during any such period, silence shall be maintained and no activities engaged in.

This book says, and I believe it, "This bill became law in Massachusetts, and was upheld by a Federal court" and so forth. Now, frankly, there are some court decisions at odds with that one at a level below the U.S. Supreme Court, which has not ruled on it.

The point I want to make is this: The folks in Massachusetts are doing all right under this law. The folks in Illinois are doing all right under the law that we have there. I do not see anything in the constitutional amendment here offered by this Senator that does violence to any of the moving statements that my colleague from Connecticut has made. I only say this one thing: The greatest thing that has happened to this issue is to debate it as fully as we have. I think people will understand it better afterward, obviously, than they did before.

I see no harm and a great deal of good that can ensue from the adoption of this very decent and well-meaning amendment. I am willing to vote on it now or I am willing to vote on it last, according to whichever way the majority leader wants to let it flow. I only say in conclusion that we ought to start voting. I love to listen to my friend from Connecticut and, once in a while, I do not mind hearing myself. But I think we ought to conclude and start voting and get on with the business of America.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, before I begin my formal remarks, I want to say to the Senator from Illinois that he is always eloquent and always very listenable. But I do want to say that I think the debate in the past 8 legislative days has been very instructive and helpful to the Members of this body and, I hope, to the people of the country. I do not know when a proper time is to shut off debate and start voting, as the Senator from Illinois has suggested, when we are dealing with an amendment that has stood the test of time for 193 years.

Mr. President, I yield to no one in my belief that voluntary student prayers should be permitted in the public schools. Nor do I yield to anyone in my devotion to the Constitution, especially the first amendment which has given this country 193 years of absolutely unfettered religious freedom. I am absolutely convinced that these two positions are consistent.

I have yet to hear a Member of this august body say he or she opposes voluntary prayer; conversely, I believe there are very few here who believe in mandatory prayer in the public schools. That distinction is what this debate is all about. The American people have expressed themselves numerous times as favoring voluntary prayer, but I have yet to see a poll that says a majority of the people of this country want mandatory or compulsory prayer, or that they would sit still for total strangers, teachers, or outsiders tinkering with the religious training of their children.

It matters not to this Senator—and I do not believe it matters in the Constitution, when we are talking about voluntary student prayer—whether the prayers are vocal or silent. I am willing to leave to God the determination as to which is more pleasing to the ear, vocal or silent prayer. On a personal note, I can say with absolute certainty that the most fervent and intense praying I have ever done was with my head buried in a pillow on a hospital bed. Those prayers were mercifully answered, and in my opinion, could not have been more fully answered had I been shouting at the top of my lungs.

But, Mr. President, I am absolutely certain, and legal scholars agree, that the voluntary school prayer can best be guaranteed under an approach offered by Senator HATFIELD without the necessity of doing irreparable damage and violence to the first amendment. The only possible justification for the constitutional amendment to resolve this problem is to make prayer services compulsory, and I confess I take serious exception to this approach, as does the vast majority of church groups in this Nation.

What the President has proposed is not an outright repeal of the first amendment, but I defy any Senator to tell this Chamber with any degree of certainty how much damage to the first amendment will result in practice. The manager of this resolution, Mr. HATCH, says that the purpose of the constitutional amendment is to overturn the Engel against Vitale decision of 1962. That decision said that Government may not "compose official prayers" to be recited by students. Do we not all agree? Of course we do, because the committee amendment being handled on this floor provides the very same prohibition: Prayers may not be composed by the United States or the State or the school board or the teachers. But the Engel decision went further. It also said, "Government in this country, be it State or Federal, is without power to prescribe by law any particular form of prayer."

What that opinion did not prohibit and what the Hatfield amendment specifically permits is students singly or in concert gathering to pray their own prayers. They may write them, they may use others' prayers, they may pray extemporaneously, they may meditate, or they may simply discuss their religious beliefs. What more do we want? We thereby eliminate the scorn and ridicule that children might be subjected to by being required to leave the room because they do not want to participate.

Parents would have no fear of undue influence by teachers, by local ministers, or by any other outside influence, whether it be the Moonies, the Hare Krishnas, the Bhagwans, or you name it. The Hatfield amendment has been enthusiastically endorsed by the Joint Baptist Committee on Public Affairs, which represents almost every Baptist church in the United States, and yesterday by a letter to the majority leader endorsed by the National Association of Evangelicals.

The distinguished floor manager has said that the President's constitutional amendment is a States' rights or local option amendment; that local school boards may permit prayer or prohibit it.

Now, this statement has a lot of appeal, but unhappily it is not a local option at all. First, under the committee proposal the school board can do more than permit prayer—it can demand it. As a matter of fact, there are no constraints on the board or the State in mandating prayer, determining the time of prayer, the place of prayer, the frequency of prayer, who will lead the prayer, and even adopting the prayer as long as they do not compose it.

The fact that students may choose not to participate does not mitigate the board's mandatory authority. Chaos and confusion will be assured and the unnecessary polarization of our people, who have long been accustomed to religious pluralism and religious tolerance, will result.

On the other hand, Mr. President, the claim that under the committee amendment a school board may also prohibit prayer is absolutely a patent absurdity. Even the proponents do not suggest that we are repealing the first amendment. So how does a school board prohibit voluntary prayer without violating the free exercise clause of the religious freedom guarantee in the first amendment? Answer: It cannot. There may be some States that delineate and very carefully lay

out time and place restrictions on prayer, but they cannot prohibit prayer.

This whole massive effort to amend the Constitution to accomplish a legitimate and desirable goal, when a much less drastic measure would accomplish that goal, leads me to the inescapable conclusion that somebody wants desperately to get into the schoolhouse door to direct prayers and religious training, or somebody wants the long tentacles of Government injected into yet another of our most sacred freedoms, or that this whole exercise is to accommodate the upcoming elections.

Mr. President, last week one of our Members, Senator DANFORTH, a most respected Member and ordained Episcopal priest, eloquently said this is not a battle between the godly and ungodly, and I want to add to that it is not a battle between liberals and conservatives, believers and nonbelievers, Democrats and Republicans. I do not like to think of it as a battle at all but, rather, a thoughtful consideration of a very troublesome problem and how best to resolve it without eroding our constitutional guarantees of religious freedom. Throughout our world the bloodiest conflicts at this very moment are between religious groups. We see it in Lebanon, we see it in Ireland, and in a deadly battle to the death between Iran and Iraq. Even the wars in Central America have religious overtones. Yet in this great Nation our religious tolerance has allowed Catholics and Protestants to be Presidents. We have 8 Jewish Members in the Senate, 3 Mormons, 17 Catholics, and we boast of it, oftentimes without realizing that our tolerance of our religious differences is a matter of great national pride to us. It is essential to the inner strength of this Nation, and we have each one felt secure because we knew our religous preference was protected by that great document, next to the Holy Bible the most sacred, our Constitution, and the most sacred part of that, the first amendment.

Mr. President, it must be preserved and I intend to do my best to do just that.

Mr. President, I yield the floor.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SPECTER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I am wondering if my friend from Illinois might help us with a little legislative history on the differences between his amendment and Senate Joint Resolution 212. We have a very lengthy report on Senate Joint Resolution 212, 52 pages for the committee.

Mr. DIXON. May I respond to my colleague by saying I do not have Senate Joint Resolution 212 in front of me, but my recollection is that I use in section 1 the terminology "reflection" instead of "meditation." I think that is one of the distinctions. And in section 2, I actually use the words "by student voluntary religious groups." I think I am right in saying the Senator from Utah uses a more generic type of terminology than that. Now, I believe those to be the only distinctions, and let me be very candid in saying to the Senator that I borrowed at some length from the amendment of my friend from Utah in offering my amendment to Senate Joint Resolution 73 because I felt, in all fairness to my friend from Utah, whom I do not want to speak for—he would want to speak for himself—we might not reach his.

Mr. LEVIN. I understand the reasons why the Senator from Illinois offered it, but there is a 52-page committee report which accompanies Senate Joint Resolution 212. The committee obviously spent a great deal of time in analyzing the amendment of the Senator from Utah and gave us something we could read relative to it, so that we could study the background of it, the other arguments for it, and read the minority views starting at page 53. So we do have 52 pages here of committee report which will help guide us.

Mr. DIXON. If I may accommodate the Senator from Michigan, I think that whatever differences there are between my amendment and that of the Senator from Utah, they are differences without a true distinction. I think you would have to say that they are similar, that either would stand an equally careful analysis along the various lines a court might apply.

So that if it accommodates the Senator's argument to say that, I think anything he finds in a report on the amendment of the distinguished Senator from Utah would probably be applicable to mine, if that is the point he wants to reach.

Mr. LEVIN. It is, indeed,

Mr. DIXON. Then, I will concede that point.

Mr. LEVIN. I thank my friend from Illinois.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, a few moments ago I asked my friend from Illinois whether or not the committee report which accompanies Senate Joint Resolution 212 could be equally applied to his own amendment that is now pending as well as to Senate Joint Resolution 212 itself, and I appreciate his acknowledgment that for all intents and purposes it can, since the differences between his amendment and Senate Joint Resolution 212 are indeed minor ones.

Mr. President, I support the approach that we use in Michigan where by law a school district may allow for a period of silent meditation or reflection, as the word is used in the amendment of my friend from Illinois.

However, I cannot support his amendment or Senate Joint Resolution 212 for the following reasons:

First, they permit the Government to regulate when and where children pray and the "manner" of that prayer, and I refer to page 31 of the committee report;

Second, the amendment permits Government employees to determine the "propriety of gestures, rituals, and ornaments" accompanying our children's prayers, and that is page 31 of the committee report; and

Third, they place "within the purview of State and local authorities" the decision whether sacred gestures such as holding beads, wearing a skullcap and reading a prayer will be allowed and I also quote from page 31 of the committee report which accompanies Senate Joint Resolution 212 and which is applicable by reference, according to my friend from Illinois, to the pending amendment.

Government is thereby given unacceptable power to regulate, control, and dictate religious conduct, all in the name of freedom to pray.

The issue is not prayer in school but Government regulated and controlled prayer.

I have too much respect for religion and for prayer to let Government employees tell us or our children when and how to pray and, under some versions of the amendments being considered, to actually write or select the prayer.

And make no mistake about it—Government control and regulation of prayer is the issue. The committee report pointedly states that Government employees will have authority to determine the "propriety of gestures, rituals, and ornaments" accompanying our children's prayers. The purpose of such governmental intervention is to ascertain in some vague way whether or not those gestures, rituals and ornaments are "personal," and therefore acceptable to the state or "public," and therefore unacceptable to the state.

These amendments restrict or at least the committee report I am referring to does restrict the involvement of State employees to the extent that

they cannot encourage any particular "substantive content," according to the committee report on page 32. But the gestures, rituals, and ornaments which accompany many prayers, and which for many devout persons are an essential part of prayer, are, according to the committee report, fair game for Government control under the proposed amendment. And, again, that report makes all too clear that it is not only the time and place of the prayer that State and local authorities have discretion in dictating, but also the "manner of the prayer," and again I am quoting from page 31 of the committee report.

For more than 200 years, America's religious diversity has been a source of strength to us in this most blessed of all lands. Certainly there have been acts and periods of religious hatred, violence, and bigotry. We have not been perfect or pure, but for the most part we have respected, indeed protected, each other's right to religious freedom. We cherish our neighbors' right to their own religious beliefs with the same fervor as we cherish our own. We do so in part because we are taught in our churches, synagogues, and mosques to love our neighbor. But in part we also do so because we know that the greatest protection of our own freedom to worship when and how we choose depends precisely on how strongly we defend our neighbors' right to worship as they choose.

How has religious diversity flowered here when it has withered elsewhere? Why are we so proud of that diversity? Why do most Americans cherish friends who have different religious beliefs, rituals, and practices? How have we avoided the curse of religious fratricide?

We must ask ourselves these questions because the answers will help us face the moral and political challenge before the Senate.

We have avoided deep religious divisions, in part, because the Government has been told by its creators—the citizens—to keep its hands off of religion. We have told our Government:

Do not tell us when to pray.

Do not tell us how to pray.

Do not tell us in which direction to face when we pray.

Do not tell us to stand, or kneel, or sit when we pray.

Do not write or select our prayers for us.

Do not tell us whether or not to wear prayer shawls or skull caps or hold beads when we pray.

We have told our Government: Do not regulate or control or dictate our religious practices and ceremonies and rituals and beliefs.

And partially as a result of that religious freedom has flowered in this land.

Each religion can flourish in America because none is favored over the other.

The Senate has been debating proposed amendments to the Constitution to allow prayer in the schools for many days. I have the greatest respect for the supporters of these amendments and their deep convictions about the importance and value of religious faith. I understand that many people believe that the Government should promote our people's strong religious commitment and faith by providing for structured prayer in school. They cannot understand how we can acknowledge God's guidance in our coinage, in our national anthem, and in the pledge of allegiance, and yet not provide that students be led in prayers in school.

But, we must pause and, despite all the risks of being misunderstood, we must object when we are now told that we should amend the Constitution so that government employees—in this instance school administrators and teachers—could tell our children how to pray, and select which prayer will be read to them. We must, despite the risk of being misunderstood, object to government employees telling our children whether or not they may kneel or stand or sit during prayer. We must object to government employees telling our children that they may or may not wear prayer shawls or skullcaps or hold beads when they pray. We must object to government employees telling our children that if they do not want to participate in the Government structured prayer that they can leave the same classroom which mandatory attendance laws made them attend in the first place.

We of course, risk the possibility of being misunderstood if we reject the pending amendments—referring now to both the Dixon amendment and Senate Joint Resolution 212—but we should take that risk because while we want our children to be able to pray in school—individually, privately, and free from any state control or Government regulation—surely we do not want Government to tell us or our children when to pray or how to pray. And surely we cannot subscribe or agree to the statement in the committee report accompanying Senate Joint Resolution 212, and which has been adopted, in essence, by the Senator from Illinois, that would have government employees determining the "propriety of gestures, rituals, and ornaments" accompanying our children's prayers, such as the holding of rosary beads, wearing a skullcap, or reading a prayer (pages 30 and 31).

The committee calls such sacred gestures, rituals, and ornaments "incidental physical displays" and "incidental forms of conduct" and states that the decision whether or not such sacred rituals and religious practices should be allowed would be within "the purview of state and local authorities" (page 31). That should sound ominous to all lovers of religious freedom.

How extraordinarily casually this amendment and its legislative history relegate our religious practices and freedoms to the hands of the state.

No Government authority should be granted such power over religious practices in America, where religious freedom has found a true homeland.

That is why the following 21 religious organizations recently wrote to all Senators to express their vigorous opposition to the pending amendments:

American Baptist Churches in the U.S.A.
American Jewish Committee.
American Jewish Congress.
Anti-Defamation League.
Association of Evangelical Lutheran Churches.
Baptist Joint Committee on Public Affairs.
B'nai B'rith Women.
Church of the Brethren.
Episcopal Church.
Friends Committee on National Legislation.
Lutheran Church in America.
Lutheran Council in the U.S.A.
National Council of Churches of Christ.
National Council of Jewish Women.
Presbyterian Church (USA).
Progressive National Baptist Convention.
Seventh Day Adventists.
Union of American Hebrew Congregations.
Unitarian Universalist Association of Churches in North America.
United Church of Christ.
United Methodist Church.

Religious freedom has flourished in America because enough of us in difficult times have taken the risk of resisting those who would regulate it. The risk we take in rejecting this most recent effort at Government control and regulation is slight compared to the risks taken by those who struggled to reach these shores so that they could pray if they wished, when they wished, and how they wished.

For anyone who doubts that what we are talking about here is Government control and Government regulation, I urge that they read pages 30, 31, and 32 of the committee report which accompanies Senate Joint Resolution 212 and which has been adopted toto by Senator DIXON relative to his amendment; read this language which allows Government officials, under some circumstances, to determine the "propriety of gestures, rituals, and ornaments" which accompany prayer. They are called "incidental forms of conduct," but to the devout, gestures, rituals, and ornaments are not incidental. They can go right to the heart of the prayer. And I am amazed that this report could so casually relegate the determination of whether or not those gestures, rituals, and ornaments will be allowed to the hands of Government officials.

It is that kind of Government control and Government regulation which we should avoid when it comes to religious practices. We, indeed, must defend those religious practices against this kind of Government intervention.

It is for that reason that I am unable to support both Senate Joint Resolution 212 and the Dixon substitute which is now pending.

I thank the Chair and I yield the floor.

AMENDMENT NO. 2787

Mr. WEICKER. Mr. President, I call up my amendment No. 2787.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Connecticut (Mr. WEICKER) proposes amendment No. 2787.

In lieu of the language proposed to be inserted by the pending amendment, insert the following:

"Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in group prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools."

AMENDMENT NO. 2788

Mr. MATHIAS. Mr. President, I call up amendment No. 2788.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Maryland (Mr. MATHIAS) proposes amendment No. 2788 to amendment numbered 2782.

In the language proposed to be inserted, strike all after the word "Nothing" and insert the following:

"in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in group prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools.".

AMENDMENT NO. 2789

Mr. WEICKER. Mr. President, I call up my amendment No. 2789.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Connecticut (Mr. WEICKER) proposes an amendment numbered 2789.

In the language proposed to be stricken by the pending amendment, strike all after the word "Nothing" and insert the following:

"In this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in group prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools.".

AMENDMENT NO. 2790

Mr. MATHIAS. Mr. President, I call up amendment No. 2790.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Maryland (Mr. MATHIAS) proposes an amendment numbered 2790 to amendment numbered 2789.

In the pending amendment, between the words "any" and "prayer", insert the word "group".

Mr. MATHIAS. Mr. President, during the course of the debate on Senate Resolution 73, Senators on both sides of this proposal have had occasion to quote the words of the framers of the Constitution of the United States. It is a tribute both to the Framers' insight and to our good sense that almost 200 years after the writing of our Constitution we continue to look to its authors for their views on how best to protect our individual liberties from the encroachments of state power.

In fact, Mr. President, just yesterday the proponents of the constitutional amendment provided for the delectation, education, and enlightenment of the Members of the U.S. Senate 42 pages in the CONGRESSIONAL RECORD—42 pages—of law review articles and other learned writings. These 42 pages are spread before us today in the CONGRESSIONAL RECORD which is on the desks of Senators.

And, since, Mr. President, it is costing the taxpayers of the United States $20,412 to reprint these articles from other publications, running from page 5272 through page 5317, I hope that every Senator will read all of those 42 pages so that the taxpayers of the United States get every penny of their money's worth for the $20,412 that has been expended in the printing bill. If Senators will read those articles, then taxpayers, I think, can feel that that money was well spent. But if Senators do not read those articles, then I fear—I sadly fear—that $20,412 has gone down the drain. And I am sure that there is not a single Senator in this Chamber who wants to see that kind of a waste of tax dollars.

Of course, it is possible for Senators who are anxious to improve their education on this subject to send to the Library of Congress and to borrow the law reviews and read the articles. And it does not cost anybody anything because the law reviews are a reference and are available there. But, nonetheless, we now have the opportunity to pick up the RECORD in the Chamber and in our offices; to take it home with us, and to have more than 40 pages of learned law reviews for which we only have to pay our taxpayers' share of $20,412. We are fortunate. Our evenings will be full of warm and wonderful reading.

Mr. President, quite naturally, since the resolution before the Senate is designed to change the establishment clause of the first amendment, the words and ideas of James Madison, the principal author of the first amendment, have figured prominently in our discussion. I am not going to take 42 pages in the RECORD to comment on the words and ideas of James Madison. But I do think it is worth taking just a few minutes to outline some of the principal concepts that he developed during the course of the constitutional convention and the First Congress, and which have been embodied in our organic law ever since.

I have spent many pleasant hours—and I say that genuinely—in the study of James Madison's writings. He is enlightened and he is enlightening. Known as "Little Jimmy," he was a little man, but passionate in his defense of liberty, eloquent in his presentation. Because of my long acquaintance with James Madison through his writings, I find it intriguing that the proponents of this resolution, which would grant to the States the power to establish official forms of prayer, should quote, of all people, James Madison, as if they would expect his approval, as if they would seek through his writings as posthumous endorsement of their purpose.

My good friend, the distinguished Senator from Utah, who is the manager of this proposal today, last week in his debate quoted from James Madison's fourth proposition on constitutional amendments. That fourth proposition, after several revisions, became the first clause of the first amendment, relating to individual religious liberty.

That proposition, as quoted in this body by the Senator from Utah on Monday of last week, read:

The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established.

Period.

From this short passage, my good friend from Utah infers a clear intent on the part of James Madison. He infers, if I heard him correctly, that Madison meant, by what came to the establishment clause, only that "Congress could not establish any single national religion."

Mr. President, as I said earlier, I have known James Madison a long time, as we can know great men of the past through their written words. I wish I could say I know him well. I do not make that claim. But when I heard the remarks of the Senator from Utah, I began to think about this question of intent, the clear intent, which the Senator from Utah finds in the single short passage that I just quoted.

I do not think that the intent he finds is in accord with the Madison that I know. Certainly, Madison intended to prohibit the establishment of a single national religion. I think we can agree on that. But I am surprised

at any conclusion that Madison conceived so narrowly of the fundamental right of religious liberty. It is hard for me to believe that Madison meant nothing more than that. It is hard to believe that Madison merely meant that the Church of England would not continue its established prerogatives in the independent United States. I cannot believe that that is all that Madison meant.

It occurred to me that perhaps these words carried a different meaning in context. So I went back to the debates of the First Congress, during which Madison put forward this proposition. I sought out the wording of the fourth proposition, which the Senator from Utah has quoted. I want to say to my friend from Utah that he quoted it quite accurately, with one very small exception. That exception is a period, because there is no period, Mr. President. There is a comma, and the proposition continued as James Madison gave it.

I am reluctant to find James Madison's "clear intent" from a single sentence, but it seems to me that the project is even more doubtful when based on half of a sentence. So let me read to the Senate the entire text of proposition 4, the whole thing:

The civil rights of none shall be abridged on account of religious belief or worship, nor shall any national religion be established,

That is not a period, Mr. President, it is a comma.

nor shall the full and equal rights of conscience be in my manner or on any pretext infringed.

I repeat:

nor shall the full and equal rights of conscience be in any manner or on any pretext infringed.

That is what James Madison said.

That context, I would submit to the Senate, puts a somewhat different cast on Madison's views.

It makes it clear that Madison did not view the right protected by the establishment clause quite as narrowly as the Senator from Utah suggests. Madison's view went beyond the question of whether or not the Church of England should be maintained in its prerogatives the colonies declared their independence, or whether any other single sectarian religious organization should be established in a similar manner as the official state church.

Madison did not mean simply to prohibit the establishment of a single national religion. He envisioned something that was far more encompassing: the protection of the full and equal rights of conscience. Those, Mr. President, are James Madison's words: "the full and equal rights of conscience." That suggests to me that Madison was concerned about any governmental action that might favor one religion over another religion. That, it seems to me, is the relevance of Madison's fourth proposition for the debate in which we are engaged today.

Mr. President, let us ask, what sort of actions by Government might, in some manner or on some pretext, to paraphrase Madison, infringe those full and equal rights of conscience? The debate that occurred among our predecessors in the First Congress may enlighten us on this subject as well. In fact, it was Representative Daniel Carroll, by coincidence from the State of Maryland, who underscored how very careful we must be to protect those rights. Rising in support of James Madision's proposition, Representative Daniel Carroll said:

"As the rights of conscience are, in their nature, of peculiar delicacy, and will little bear the gentlest touch of governmental hand; and as sects have concurred in the opinion that they are not well secured under the present Constitution, he said he was much in favor of adopting the words."

Mr. President, Senate Joint Resolution 73 does not respect what Daniel Carroll called the peculiar delicacy of the rights of conscience. It would allow the governments of States to infringe those rights with far more than a gentle touch. This amendment would grant to the States the power to choose prayers to be recited in public schools. The main object of this exercise of State power would be—of course—children, children whose minds are still impressionable; whose beliefs are least able to resist the coercive touch of government.

I ask, are the full and equal rights of conscience protected when governments assist children in formulating prayers, when governments try to inculcate in children, enrolled in compulsory school attendance, one particular view of how to pray? Are we respecting that full and equal right of conscience that was so sacred to James Madison?

Let us make no mistake about it, Mr. President. The amendment before the Senate would not protect the full and equal rights of conscience. It would do nothing to restrain government's hand from even the gentlest touch on the developing beliefs of a young child. To the contrary, it would provide a license to the States to infringe these rights. It would explicitly grant to the States the power to elevate one faith over others, one way of praying over others. It would allow the States to grant one faith official status in the schools and in other public institutions.

Let us not lose sight of the fact, Mr. President, that this amendment is not restricted to schools. It would allow States to grant one faith official status in a range of public institutions by sanctioning that faith's prayers over all others.

Of course, my friends who support this measure contend that it would make, as they say, all prayers equal before the law. But would this not be a kind of Orwellian equality, appropriate to be considered in the year 1984? Yes, all prayers would be equal, but some prayers would be more equal than others.

And how can we square that with Madison's concern to protect the full and equal rights of conscience? I fail to see how we can reconcile the two views of the establishment clause, because Madison's conception is not the crabbed, narrow reading espoused by the proponents of the constitutional amendment. Madison's is a broader view, which recognizes in the establishment clause not simply a limitation on the power of whatever individual sect may find favor at a given moment with a given government, but also a guarantee of religious liberty for all other sects. That view, Madison's view, is the view that has—correctly, I think—been adopted by the courts. We ought not to repudiate it now.

Mr. President, in his historical analysis, my distinguished friend from Utah has raised another point of great interest. The Senator has repeatedly emphasized that when the first amendment was originally adopted, it applied only to the Federal Government; it did not restrict or restrain the governments of the original 13 sovereign States that came together to form the Union.

The proponents of Senate Joint Resolution 73 suggest that the courts have strayed from this original intention by applying the establishment clauses strictures to the States. They urge the adoption of a constitutional amendment to get us back to that original course, to return to those good old days when the States were not restrained by the Bill of Rights—the Bill of Rights that is one of the glories of the Constitution of the United States.

The premise of the Senator's argument is, of course, historically accurate. Both James Madison and most of his contemporaries viewed the first amendment as prohibiting only Federal infringement of the rights of individual conscience. That observation, though correct, is neither novel, nor is it relevant. Every first-year law student knows that the first amendment did not become applicable against the States until after the passage of the 14th amendment in 1868

It took a great civil war to establish that the National Government would no longer allow individual States to adopt policies abridging the fundamental rights of American citizens. The outcome of that bloody conflict should have settled that proposition for all time. At the conclusion of the Civil War, after a terrible price had been paid in blood and treasure, the

people of the United States adopted the 14th amendment. That provision deprives the States of any power to abridge the individual liberties guaranteed in the first amendment, and in the other amendments which together constitute the Bill of Rights.

I have a very personel feeling about this because it fell to my lot, Mr. President, to vote, as a member of the General Assembly of Maryland, to ratify the 14th amendment, a little belatedly. Nearly a century after the 14th amendment had become the law of the land, the Legislature of the Free State of Maryland belatedly recognized that the 14th amendment ought to be the law of the land. I am proud to be one American who was privileged to cast a vote to ratify the 14th amendment and to be here today to give testimony to that fact.

Now, the question which the Senator from Utah raises is one which the Supreme Court described in an opinion written more than 20 years ago as "decisively settled." That was the opinion in the Schempp case, that we have heard a good deal about during this debate. The Court, in the opinion in the Schempp case, went on to quote from an earlier case, which was the decision rendered in 1940 in the case of Cantwell against Connecticut. In that case the Court, speaking through Mr. Justice Roberts, said:

> The fundamental concept of liberty embodied in that (fourteenth) amendment embraces the liberties guaranteed by the first amendment. The first amendment declares that Congress shall make no law respecting an establishment of religion or prohibiting the exercise thereof. The fourteenth amendment has rendered the legislatures of the States as incompetent as Congress to enact such laws.

The question before us, Mr. President, is whether that long standing principle should be repudiated. Should we authorize the States and local governments to make laws respecting an establishment of religion, by authorizing them to prescribe official prayers for the public schools and for other public institutions? Well, I am afraid, much to my regret, that that is a question to which the Senator from Utah and I seem to respond in a different way. But what I really want to pursue is the Senator's suggestion that James Madison would have answered it in accordance with the views of the proponents of this resolution rather than as the opponents would answer.

I submit, Mr. President, that the Senator from Utah is mistaken when he seeks to enlist the shade of James Madison as a comrade in arms in this battle. I simply do not believe that Madison's commitment to religious liberty was ever so attenuated, ever so timorous. I do not think that Madison believed that the States ought to have the power to infringe on the full and equal rights of conscience by favoring any one belief over the others.

The first session of the U.S. Congress assembled in the city of New York, and during that first session James Madison proposed several amendments to the Constitution—by his example proving that it is not wrong to propose an amendment.

We are already well acquainted with the language of the fourth proposition, which later became the first amendment to the Constitution. And immediately after submission of that proposal, he also introduced his fifth proposition. That proposed amendment read:

> No State shall violate the equal rights of conscience; or the freedom of the press; or the trial by jury in criminal cases.

> No State shall violate the equal rights of conscience; or the freedom of the press; or the trial by jury in criminal cases.

I repeat that, Mr. President, because I think we need to realize that if this proposition had been included in the Bill of Rights, as James Madison wanted, as James Madison believed wise, the Nation would not have had to wait until the adoption of the 14th amendment to settle the question of whether the States could do what the Federal Government was prohibited by the first amendment from doing. The shield of the Federal Constitution would then have been placed between the individual and the State, between the rights of the individual and the abuses of State power, some 80 years earlier than came to be the case.

Now, Madison's proposal to deny to the States the power to "violate the equal rights of conscience" was adopted by the House of Representatives by the two-thirds margin which is required for constitutional amendments, and it was transmitted by the Speaker of the House to the U.S. Senate.

It is a matter of great regret that the U.S. Senate in the first session of the First Congress kept rather poor records. There is no extensive report of its proceedings, so it is impossible to know why it declined to adopt this beneficial proposal. Of course, we have to remember that Senators in those days were not elected by the people. The Senate was not chosen by popular suffrage. Senators were chosen by the legislatures of the several States.

Perhaps the interests of Senators in the first session of the First Congress, in conserving the power of the States, overbalanced their desire to protect the individual liberties of individual citizens. But James Madison—Representative Madison, Congressman Madison—who was elected not by a State legislature but by the people, did not share this view, and we know this from his own words. On June 8, 1789, Madison addressed the House of Representatives on the subject of a bill of rights generally. Later in the debate, he discussed the need for specific protections against the infringement of individual freedoms by the States.

Since Madison's words are far more eloquent than any I could possibly compose, let me quote him briefly on this latter topic. Madison began by referring to those limitations on State power which were included in the Constitution as it was originally ratified. At this point I quote from James Madison's remarks:

> I wish, also in revising the Constitution, we may throw into that section, which interdicts the abuse of certain powers in the State Legislatures, some other provisions of equal, if not greater importance than those already made. The words, "No State shall pass any bill of attainder, ex post facto law," etc. were wise and proper restrictions in the Constitution. I think there is more danger of these powers being abused by the State Governments than by the Government of the United States. The same may be said of other powers which they possess, if not controlled by the general principle, that laws are unconstitutional which infringe the rights of the community. I should therefore wish to extend this interdiction, and add, as I have stated in the 5th resolution, that no state——

That is my emphasis, not James Madison's. I believe that if he were here, he would want to emphasize it.

> • • • shall violate the equal rights of conscience, freedom of the press, or trial by jury in criminal cases; because it is proper that every government should be disarmed of powers which trench upon these particular rights • • • because it must be admitted, on all hands, that the State Governments are as liable to attack these invaluable privileges as the General Government is, and therefore ought to be as cautiously guarded against.

History has demonstrated that Madison was right. The American struggle for individual liberty has been waged against excesses of State power no less than against excesses of Federal power. There is no distinction in my mind, any more than there was in Madison's mind, that whether there is one national religion or 50 official State religions, both results are undesirable. Both are offensive to free people. Both are abhorrent to the traditions of America.

The proponents of this measure have stated repeatedly that this amendment gives no individual any additional rights to pray that the same individual does not already enjoy under the Federal Constitution.

This amendment grants no further rights to individuals to engage in voluntary prayer beyond the precious rights individuals already enjoy to pray in the schools, in the streets, and in the churches—everywhere, anywhere, across this broad country.

This amendment grants no rights to individuals, but it does grant enormous power to the States. It gives the States the power to favor one religion over others. It gives the States the power to establish one manner of prayer as more equal than others. That is a power the States once freely exercised and just as freely abused. It

is a power of which the States were disarmed by the adoption of the 14th amendment; and I, for one, have no desire to see this power returned to the arsenals of the States.

The proponents of this amendment stand for an increase in the power of the State, for an enlargement of the role of the State.

I urge my colleagues to stand with the preservation of individual liberty. We shall remain true to the principles of James Madison just so long as we reject this or any other proposal that is designed to permit government, at any level, to infringe the individual rights of conscience, "in any manner, or on any pretext."

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER (Mr. ABDNOR). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I want to begin by commending the Senator from Maryland for that eloquent statement of his position on this issue.

In addressing myself to this issue, Mr. President, I want to start by stating what I am for. I believe deeply in the right of Americans to practice their religious faith, to commune with their Deity, and to instruct their children in that faith free from Government interference. I also support the right of individuals to engage in personal prayer at any time or place that is appropriate to them and to the tenets of their faith. I believe that the Constitution as now written provides the best protection for those freedoms, and for that reason I do not support the proposed amendments that have been offered.

I have received hundreds of telephone calls and letters from deeply concerned individuals who believe that a constitutional amendment is necessary. The vast majority of those who have contacted me also specify that they support the President's amendment for vocal prayer, and that they are opposed to any other amendment which would allow silent meditation or reflection such as that offered by the Senator from Utah and the Senator from Illinois.

I am also told that this is the view of the majority of Americans, and that because it is the will of the majority, it should be written into the Constitution of the United States.

This seems to me to sum up the very reasons why such an amendment would be a very serious mistake for all of us.

To address the majority rule issue first—it is true we are a democracy; we do transact most of our business in government by majority rule. Outside of government is the marketplace, where supply and demand, price, packaging, and fashion prevail. But we have set certain rights and privileges above these forces. At the beginning of our history we deemed these rights too important, too fundamental, too critical to preserving the prerogatives of the individual in relation to government to leave them to the whims of the marketplace and the twists and turns of political passion. By their very nature, the first amendment freedoms of religion and speech are not susceptible to majority rule. They were created specifically to protect the minority, the unpopular, the unusual faith or idea, because it was understood that if we did not, we would be no different from the sectarian persecutions we left behind us in Europe.

A second point, Mr. President, is this: Very passionate feeling is being expressed on this issue by proponents of prayer, yet they themselves cannot agree on the proper form. Many feel deeply that silent prayer or meditation is not acceptable to them. If those arguing about this issue in the Chamber cannot themselves agree, then what sort of chaos is going to be visited on every school board, teacher, and child in this country?

This brings me to the President's amendment which I believe is drafted in so vague and open-ended a fashion that it promises tremendous confusion for us in implementation.

The amendment provides that "Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions." I ask: What does this mean? Does it mean that outsiders may come into the school to conduct prayer meetings? What is to prevent any sect, no matter how exotic, from using the schools to promote their beliefs? And who would stop them? Certainly not the Constitution, if this amendment is adopted.

The next clause of the proposed amendment goes on to say that "No person shall be required by the United States or by any State to participate in prayer." Well and good. But I think we must be sensitive to the pressure which would be exerted upon children. Conformity is a powerful force, and children who felt that a prayer was alien to the teaching of their families would have to excuse themselves from such an exercise. We need to ask: How would this be done? In some cases, a child would have to be extremely brave to do this, and the teacher who may or may not approve of such action would have to police it to ensure that this could happen.

Finally, the amendment has what its proponents believe is a saving clause which states: "Neither the United States nor any State shall compose the words of any prayer to be said in public schools." But again I ask: How would this work? By the mere fact of the organization of schools and the necessity to keep order, someone in an official capacity will make decisions about how and when children will pray, what religious symbols may be brought into the classroom for this purpose, and what motions or postures are permitted. Or, on the contrary, would we allow children simply to speak out loud their own individual prayers?

Supporters of this amendment say that these choices would be left up to local communities and school boards. I submit that if that is the case, we will not end the debate by adopting this amendment. We will only start the debate and transplant it to every school board, school, and individual classroom in America.

In Robert Bolt's play, "A Man for All Seasons," Sir Thomas More, in an eloquent defense of the rule of law that protects the rights of each of us, says to his son-in-law: "What would you do? Cut a great road through the law to get after the Devil"? And Roper responds, "I'd cut down every law in England to do that"!

And More responds: "Oh? And when the last law was down, and the Devil turned round on you—where would you hide, Roper, the laws all being flat? This country's planted thick with laws—and if you cut them down—do you really think you could stand upright in the winds that would blow then?"

Some of the supporters of the prayer amendment who have called my office have accused me and others opposed to this amendment of being instruments of Satan and false Americans for our position on this issue. It is my job to make decisions according to the facts, my conscience, and the best and most careful judgment that I can make about what is best for this country. And I would far rather be on the receiving end of such messages than have a 6-year-old child be on the receiving end of such messages because he or she chose not to pray in the manner decreed in a particular town or school.

Mr. President, we are human and, therefore, fallible. We like to be among people who agree with us, and indeed we assume that our own particular view of the world is the proper and prevailing one. What we need to remember is that this is not necessarily the case, and that each of us may find ourselves and our families in a situation where we may be imposed upon because we are in the minority or different in some way from the norm. If those protections, which affect all of us, are diminished, then the safety of each of us, whatever our faith, is also diminished.

I regret that this matter, one that is so intensely personal for each of us, has become such a jarring political issue in Congress and in the country. I am also concerned that the protracted wrangling about this issue in this body is serving no useful end but is, rather,

diverting our attention from issues where we can make progress. Mr. President, in my view, the time has come to vote. I welcome the chance to vote my convictions on this issue.

Mr. President, thank you very much.

Mr. HATCH. Mr. President, the distinguished Senator from Maryland takes me to task on several aspects of my support for Senate Joint Resolution 73, and, as usual, has done so in a very articulate manner.

First, he is critical of the "waste" that I have placed in the RECORD yesterday. I respond, quite simply, that the ongoing debate centers around the intended and proper meaning of the "establishment" clause. The materials that I placed in the RECORD yesterday dealt with no other matter than the legislative history of this clause. That is entirely appropriate and, I believe, essential to the present constitutional debate.

I understand that the Senator from Maryland, my friend, may not have available to him an equal volume of evidence or testimony attesting to his own personal understanding of the first amendment. That is unfortunate, but it is hardly reason to find fault with what I have done yesterday in attempting to place this historic debate in a bit of historic perspective. If the Senator chooses not to read that history, of course, that is his own prerogative. Others may choose differently.

Second, the Senator argues that I misquote James Madison in his original proposed first amendment language. The Senator is incorrect.

Mr. MATHIAS. Mr. President, if the Senator will yield, because I wish to be perfectly clear that I did not say that the Senator misquoted James Madison, I did say that the Senator did not quote him fully enough.

Mr. HATCH. I understand what the Senator said, and the Senator is correct in calling attention to the additional language. But, I think he is incorrect if he means to imply that I have quoted Madison incorrectly, unless, of course, he believes that the inadvertent use of the period at the end of my quote instead of an ellipsis is a grievous distortion.

The quote by Madison ended where it did in my remarks because the issue at hand was the development of the establishment clause, not the development of the free exercise clause, which was the subject of the additional language that was omitted.

The point of my remarks was, and remains, that the purpose of Mr. Madison in structuring the first amendment was, first, the prohibition of a national religion; and second, the prohibition of religious preference. Nothing in the omitted language contradicts this in any way. The omitted language, dealing with the "full and equal rights of conscience," was the precursor of the free exercise clause, whose meaning is generally not at issue here.

Mr. Madison, in his famous remonstrance, delivered one of the most moving statements ever on the meaning of religious liberty. I would emphasize, however, that the focus of his statement was the provision of public funds to Christian teachers, not to those teachers of religious values generally. In other words, a religious preference was involved.

To understand what he understood the establishment clause to mean with respect to religious expression generally, not with respect to preferential programs, I would simply call the attention of my colleagues to the leadership efforts of Mr. Madison during the first Congress—several months after the Bill of Rights itself—to establish a system of congressional chaplains.

I would also point to his efforts, shortly thereafter, in behalf of a national Thanksgiving resolution providing "with religious solemnity as a day of thanksgiving and devout acknowledgements of Almighty God for His great goodness" and so forth.

I am afraid that Mr. Madison's own actions would seem to be inconsistent with my friend's description of that for which he stood. Either Mr. Madison was a scoundrel and a hypocrite, in acting inconsistently with his stated principles, or else he does not fall quite into the model of an 18th century ACLU-civil libertarian as described by my friend from Maryland. With all due respect, I believe the latter explanation is better taken.

I might return briefly to my initial remarks, referred to by the Senator from Maryland, because I think that they bear repeating. I stated:

> When the State ratification debates suggested that a Bill of Rights would be necessary to preserve national confidence in the new Constitution, James Madison reduced the States' recommendations down to several proposed amendments for consideration by the new Congress. (1 Annals of Congress 434.)
>
> His initial draft acknowledged their call for specific constitutional protection for religious liberty with the following language:
>
> The civil rights of none should be abridged on account of religious beliefs or worship, nor shall any national religion be established * * *

Now, my friend from Maryland called my attention to the fact that I should have either put in the last part of that sentence, or at least put three dots there to indicate further text which I would now request be placed there.

The last part of that sentence was "nor shall the full and equal rights of conscience be in any manner or in any pretext infringed." It was apparent that he was talking in the first part of that clause about the establishment of religion, and in the latter part about the free exercise of religion.

But I reiterate that Madison's intent was clear. Congress was not to establish a single national religion, or establish religious preference. That is what he wanted to preclude.

Again, to quote from my earlier remarks:

> This language underwent numerous revisions in the legislative crucible of the first Congress. Madison's original objective, however, remained fundamentally uncompromised. In its final form, the amendment was crafted to prohibit the establishment of a national religion, while permitting nondiscriminatory governmental support generally for religion. This presupposed, within the framework of the Constitution's division of powers, that the States, in the absence of any specific Federal authority, retained the authority to dictate appropriate policies regarding government and religion.
>
> Madison himself confirmed his intention in drafting the clause when he was asked on the House floor what he considered to be the meaning of the language ultimately incorporated into the new Constitution. His response was clear:
>
> Mr. Madison said he apprehended the meaning of the words to be, that Congress should not establish a religion and enforce the legal observation of it by law. (1 Annals of Congress 430)
>
> In explaining the intent of the new establishment clause, he supplied a clarifying statement. Twice in the same speech, Madison noted that the amendment forbade Congress from establishing "a" religion. This properly focused the scope of the intent of the First Congress. By use of the clarifying "a", the original author of the first amendment drew a distinction between congressional action that established a particular national religion and congressional support for religion in general.

I think this helps clarify the matter. I am pleased that my friend called my attention to it because I believe he has allowed me to make a further salient point about what Mr. Madison intended. I believe that history and scholars will bear this out.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, I rise to reaffirm my faith in the Constitution of the United States—and to reaffirm the power and place of prayer in the Nation governed by that Constitution: Prayer, that hallowed communication between an individual and God that is freely entered into and sacredly conducted accordingly to deeply held personal beliefs.

Therefore I rise, Mr. President, in opposition to the proposed constitutional amendment which seeks to reinterpret our Constitution so as to establish prayer in the public schools.

We are led to believe that the Supreme Court has prohibited prayer in schools and that an amendment to the Constitution is necessary to restore it.

That simply is not true.

Children in public schools throughout America pray every day without legal sanction. No court or legislative

body in this country has prohibited voluntary, individual prayer by public schoolchildren.

The critical question is not whether there should be prayer in schools but rather who defines prayer, who establishes a time and place for prayer, and who nurtures prayer.

Mr. President, for 193 years the first amendment to our Constitution has successfully protected the freedom of religious expression from the threat of Government intrusion. The language of the first amendment was crafted by solemn and articulate believers in religious liberty who had defined their credo in the crucible of religious oppression.

Naysayers about God they were not, nor were they naysayers about prayer.

On the contrary, many of them were deeply religious. They were also fervent patriots who saw clearly that the greatest threat to religious freedom in their emerging country lay in the historical inclination of Government to define and control what a person's experience of God should be. These patriots envisioned a nation in which the sanctity of religious thought and religious expression would be inviolate. Their wording of the Constitution set the stage for what had never before existed in civilization: a nation that so respected the individual's relationship with God that Government was explicitly denied the power to define, inhibit, or influence what that relationship would be or how it would be carried out.

Mr. President, the language of the first amendment is one of the greatest spiritual contributions of any assemblage of patriotic nationalists in the history of the world. It enabled this country to avoid the establishment of a state religion. It enabled us to manifest the holiness of God in the very plurality of our religious life. It guided us through two centuries of national growth without a religious war. It created a nurturing climate for the advancement of religious freedom that is the envy of the free world.

The heritage of religious freedom inspired and guaranteed by our Constitution is unique, profound, and holy by every definition of the word.

We dare not take it lightly.

Let us be clear, Mr. President, as to what is at issue in this debate on prayer in the schools.

What is at issue is free religious expression in this country.

What is at issue is the role of Government in religious affairs.

What is at issue is whether Government is wise enough to determine what is prayer, who shall enter into it, how, and where.

To my mind, these are issues to be addressed not by the Congress, but by individuals and their churches in communion with their conscience and with God.

Two hundred years of flourishing religious tradition in this country, affirmed and protected by the first amendment, has shown us where the proper authority for defining religious devotion rests: with the family, the individual, and the church. Religious devotion must be beyond the political manipulation of the state. It must be nurtured in the full light of freedom to approach God on individual terms, free of the proscriptions of the law.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, before going into my formal statement, and I will not take much time of the body considering that it has had the opportunity for the past many days to discuss this issue at great, great length, I would like to take just a minute or so to commend my colleague from Connecticut, the distinguished senior Senator from my State, Senator WEICKER. Once again, Senator WEICKER has taken the lead in performing what I think has been an invaluable service to this body, to this country and, most importantly, of course, to the Constitution of the United States by insisting upon a full debate of the issues, by his willingness to take the political heat for opposing a proposition which I think many have come to realize over the past number of days would be a mistake and do violence to our most sacred public document, the Constitution and the Bill of Rights.

Even though we are of different political persuasions, I would be remiss before mentioning my specific remarks to not pay him a special moment of tribute for what he has done on this issue and what he has done on the issue of busing and on the issue of abortion. I commend him highly for it. I believe that history will judge his actions as being profoundly significant in the legislative debates of the 98th Congress.

Mr. President, as you may suspect, I am opposed to amending the Constitution to make organized prayer an optional feature of the daily schedule of public schools. If, when, and how to pray is a personal matter and not the business of the state. An individual who makes decisions in this regard ought to do so with the guidance of his or her conscience, family, and spiritual adviser and not under the direction of school principals or homeroom teachers.

Senate Joint Resolution 73, the proposed amendment before the Senate, is deceptively simple but dangerously open-ended. It reads:

> Nothing in the Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer.

Does that mean that a public school teacher, hired and paid by a local government, in the classroom of a public school, could invite students to join him in reciting a prayer which contained doctrines or beliefs antithetical to the teachings of the faiths of some of those students? As I read the language, it would seem to permit that.

And, what is meant by the phrase, "No person shall be required * * * to participate." Does it mean that students have to listen but not join the actual recitation? Does it mean that apathetic or dissenting students should file out of the room until the prayer is completed? Does it mean that objecting students should be permitted to debate or dispute the content of the prayer that has been suggested? The language of the proposal leaves those questions unresolved. And it is well that it does so for there are problems with all of the interpretations.

Whether we like it or not, Mr. President, the effect of Senate Joint Resolution 73 will be to thrust school officials inevitably into the selection, organization, conduct, and control of various forms of worship. As I understand the principle underlying the separation of church and state, these are things school employees should not be doing. Certainly the Supreme Court's 1962 decision in Engle against Vitale and subsequent decisions leave no doubt that such is both the intent and effect of the first amendment.

The debate before the Senate has already laid out in great detail both the legal and philosophic basis for why that is the case. I do not intend to reiterate those arguments at this hour.

But there are two points that are worth emphasizing because they go to the heart of misconceptions surrounding the school prayer issue.

The first is the simplistic and mistaken notion that those who oppose this constitutional amendment do so because they lack reverence for the significance or spiritual worth of prayer.

Quite the contrary is the case. In fact, I believe that the very recognition of the sacred, personal, transcendant nature of communications with the Almighty leads one directly to a position of opposition to the amendment before us.

That same conclusion was drawn in a letter received in each Senate office just a few days ago. "We * * * reject the claim," the letter's signers wrote:

> That by not allowing Government-sponsored prayer, the Nation is expressing hostility toward prayer or religion. It is merely being vigorously neutral so as not to repeat the mistakes of the past where governments sought to make their citizens pray only in the form and to the God those governments deemed acceptable.

"Spiritual nurturing," they continued:

> Is the job of the family and religious institutions, not the public schools. The pending

school prayer amendments should be rejected by Congress as an unnecessary intrusion into the delicate balance which must be maintained in America.

Among the 23 signers of the letter were representatives of the American Baptist Churches in the U.S.A., the American Jewish Congress, the Association of Evangelical Lutheran Churches, the Baptist Joint Committee on Public Affairs, the B'nai B'rith Women, the Church of the Brethren, the Episcopal Church, the Friends Committee on National Legislation, the Lutheran Church in America, the National Council of Churches of Christ in the U.S.A., the National Council of Jewish Women, the Presbyterian Church of the U.S.A., the Lutheran Council in the U.S.A., the General Conference of Seventh Day Adventists, the Progressive National Baptist Convention, Inc., the Union of American Hebrew Congregations, the Unitarian Universalist Association of Churches in North America, the United Church of Christ, and the United Methodist Church.

There is no magic, Mr. President, in lengthy lists of organizations for or against proposed legislation. But when distinguished leaders of so many churches and other religious associations like these say that an amendment is likely to demean or trivialize the role of prayer in our society, it is a warning we cannot lightly dismiss.

A second popular misconception about Senate Joint Resolution 73 and other school prayer constitutional amendments is that they would encourage prayer of only a purely voluntary nature. That may be their intent but there is no way that it would be their result.

In theory, it may be possible for grade school or junior high students to demur and excuse themselves from joining in a prayer led by their teachers and followed by the majority of their classmates. As a practical matter I doubt very many third or seventh graders have that measure of self-confidence and intellectual fortitude. Discipline in the classroom may not be what it once was, but the teacher remains a formidable authority figure and peer pressure is an extraordinarily powerful force for children and adolescents.

As a matter of fact, some of the court cases whose resolution has prohibited school prayer turn on this very point. The facts underlying Bell against Little Axe Ind. Sch. Dist., for example, include the actual barring of nonpraying students from school buildings during prayer sessions and taunts to nonparticipating students that they would go to hell. To embed in the Constitution of the United States a provision likely to encourage that ostracism and either subtle or crude pressures to conform would be, in my judgment, a grievous affront to the separation of church and state.

As I understand the current state of the law, an individual student who wishes to offer grace before his lunch can do so. Any student can exercise his personal right to pray orally or silently in the course of the schoolday so long as his action does not interfere with the conduct of educational activities. The role of religion as a powerful force in American history or society can be discussed as part of classes in those subject areas. Those opportunities are extremely valuable individual freedoms, I would argue, and I would vigorously oppose any attempt to restrict them.

Finally, Mr. President, I see no compelling constitutional or legal argument against setting aside a brief period for silent prayer or contemplation. To do so would allow individuals who wish to pray an uninterrupted, noncoercive setting in which to communicate with their Creator in any way they chose. It would equally protect the rights of those who do not wish to participate.

Such provision for silent prayer is also, as I understand it, already sanctioned by case law. It seems to me entirely appropriate for the Senate to go on record expressing its sense that time for silent prayer or meditation is not only consistent with the Constitution and individual freedoms, but also a positive and valuable opportunity for the Nation's public school students.

On the other hand, Mr. President, to inject public school officials into the role of religious leaders or supervisors serves no useful purpose—not religion, not education, not individual rights—and the Senate should vote to reject the proposed constitutional amendment pending before us.

Mr. HEFLIN. Mr. President, this is a subject of great concern to many Alabamians—the right of our children to pray in school if they wish to do so. I have been committed for many years to the right of voluntary prayer in schools, and I have consistently supported amending the Constitution to guarantee our schoolchildren this right.

Prayer has traditionally been a part of the education of our schoolchildren. America is, and always has been, a God-fearing nation, and the strength of our Nation lies in our schools, churches, and spiritual convictions. I have long been concerned that our schools are experiencing a moral and spiritual decline, and I believe that the reinstitution of prayer will help restore in Americans a belief in a Supreme Being and fundamental moral values. As the son of a minister, I grew up guided by prayer and know firsthand how necessary it is to a child's education. Religion without prayer is like a speaker without a voice.

The first amendment of the Constitution of the United States provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." I do not believe that our Founding Fathers meant this clause to prevent our children from expressing their faith. In our vigilant attempts to prevent the establishment of a national religion, I believe we have gone too far in the direction of prohibiting the free exercise of religion.

Refusal to allow prayer in our schools has caused a perception in our Nation that the influence religion has played in the founding and progress of our country has been devalued. I am afraid it appears that our government has become antagonistic rather than neutral toward religious beliefs. We must restore the original understanding of the establishment clause that James Madison intended when he drafted the first amendment—that there shall be no national religion—not that our country should favor nonreligion over religion.

In our society, with the many and vastly differing religious convictions that we have, I do not believe there is a danger that voluntary school prayer will violate this sacred principle.

The expression of prayer through faith in God is a fundamental part of our American heritage. The courts have uniformly upheld the constitutionality of the Government providing chaplains and opportunities for religious expression in legislatures, in the military, in prisons, and even in the courts themselves. Courts have upheld the opening of meetings of State and local legislative bodies with prayer. Each day, the U.S. Senate begins its deliberations with a prayer by the chaplain of the Senate. The Supreme Court begins each session of the Court with the prayer "God save this honorable court." This Nation has been symbolized by the historical expression of "In God We Trust" engraved on our coins and currency. Many of our public buildings are permanently engraved with reference to God, and I do not think many would argue that these references to the Almighty should be obliterated, or that they conflict with our constitutional protections, by influencing the establishment of a national religion. I believe that our school policy should be consistent with Government policy in these areas. I also believe that these fundamental parts of our American heritage are so important and so vital to the spiritual health of our Nation that a constitutional safeguard is necessary to protect this heritage for our children and grandchildren. As we address the issue of prayer in our schools, we must also insure that the faith in God which contributed to the founding of our Nation and is symbol-

ized every day in the operations of our Government is not subject to further legislative or court interference.

I hope that in the heat of this debate that we will not forget the spiritual goal that this amendment seeks to accomplish, with appropriate and necessary safeguards consistent with our Founding Fathers' intentions. I hope that all of us agree that prayer should be entered into freely and expectantly, and without compulsion. We must take care, that in this matter of conscience, we respect the religious beliefs of all. We must remember that in America, the rights of every American to practice or not practice their religion as they see fit must be preserved and protected. We must not lose sight of the dream of our Founding Fathers, who came to these shores seeking freedom from the religious compulsion they were subjected to in the Old World.

At the same time, we must ensure that American school children are not prohibited from expressing their faith, or the free exercise of their belief in a supreme being. Those who wish to pray should not be prevented from that right, as long as those not inclined to participate are protected and not compelled to do so. Children must at least be given the opportunity to begin their school day with prayer. A constitutional amendment is necessary to ensure and preserve the right, which I believe our Founding Fathers never meant to abrogate.

Although the process of amending the Constitution is a difficult one, we must act to protect the right of prayer. I hope that the U.S. Congress will pass an amendment to guarantee the free exercise of an individual's right for voluntary prayer in public institutions, especially schools, so that the ratification process by our States can begin.

Thank you, Mr. President.

Mr. BAUCUS. Mr. President, this week the Senate is debating an issue that is fundamental to our Constitution: should state-sponsored prayers be allowed in public school.

OUR RELIGIOUS TRADITION

America is a religious nation. The religious values that guided early Americans still guide us.

Our Nation was founded by people who embodied the values of the Judeo-Christian tradition.

Many of the first settlers were fervent Christians who fled Europe because they held their religious views so deeply.

They settled in the American colonies because they could practice their religious beliefs freely and without Government interference.

Many of the early religious leaders also were leaders of the move toward independence. And their successors continue to speak out for social justice, equality, and peace.

THE TRADITION OF RELIGIOUS FREEDOM

America's religious tradition includes another fundamental principle: religious freedom.

The colonists came from many nations, each with its distinctive national religious practice. But in America they learned to live together, to be tolerant toward each other, to respect each other.

The writers of the Constitution recognized the importance of this religious tolerance and made it a basic right in the first amendment of the Constitution.

This Nation was founded, in large part, by people fleeing the harassment and persecution that resulted from their unwillingness to conform their religious beliefs to what a government determined was acceptable.

They came to this country to be free to worship the God of their choice according to their own convictions and free from governmental interference or influence.

They tried to prevent a recurrence of the abuses they had suffered by including in the Constitution a specific prohibition against governmental intrusion into the realm of individual religious belief and practice.

These principles were embodied in the first amendment's principles of freedom of religion and freedom of speech.

The Constitution was written to guarantee freedom of religious expression. It was written to make sure each one of the religious organizations that exist in the United States can express its religious beliefs as it wishes.

The Constitution was written to insure that no one group can impose its religious beliefs on another.

THE CLASH OF TRADITIONS

These constitutional guarantees have worked. America's freedom of religion has spawned a multitude of religious denominations, organizations, and sects. Americans worshipping at the smallest churches work, live, and play next to those who worship in the biggest denominational churches.

And all of us continue to affirm our religious beliefs. We continue to pray, to participate in local churches, to try to live by the religious percepts we were taught.

America's religious tradition has existed side by side with our tradition of freedom of religion.

In this context, the proposed constitutional amendment does not seem to conflict with our past. It seems like a simple affirmation of our commitment to prayer and religion.

Substantively and politically this would seem to be an easy issue. When Americans are asked whether they support school prayer, they answer overwhelmingly "yes."

At first glance, that's what these constitutional amendments seem to be about. That's what I thought at first, and I'm sure the thousands of well-intentioned Americans who support these amendments feel that way too.

But when I examined these amendments more carefully, I found that much more is at stake.

The school prayer constitutional amendment proposed by President Reagan pits our two religious traditions against one another.

The proposal tries to make us choose between our support for religion and our support for religious freedom.

That's the dilemma we face.

The real issue in this amendment is not whether we support prayer. The issue is. Whose prayer do we support?

THE PROPOSED CONSTITUTIONAL AMENDMENT

Under the proposed constitutional amendment, here's an example of what could happen. A small sect, we have one in Montana called the Church Universal and Triumphant, could run candidates for the local school board.

It could turn out the vote and get these candidates elected. Then it could require a prayer that reflects the sect's narrow point of view to be read.

I am sure the members of the Church Universal and Triumphant genuinely believe in what they are doing.

But I do not believe they desire or ought to be able to impose their beliefs on Montana school children.

The Reagan administration's constitutional amendment would permit local school boards, school administrators and teachers, and State legislators to choose prayers to be spoken in public schools.

Local officials could determine the theological content of school prayers. There could be Presbyterian, Baptist, Jewish, Roman Catholic, and a whole host of other prayers recited.

I do not believe this is what the writers of the Constitution had in mind. The Constitution was written to guarantee the freedom of religious expression.

It was written to make sure each one of the religious organizations that exist in the United States can express their religious beliefs as they wish. The Constitution was written to insure that no one group can dictate the content of our prayers.

The Reagan constitutional amendment would violate that basic tenet. The Government would decide what is and is not an acceptable form of religious expression in our schools.

CONCLUSION

The President's constitutional amendment erodes some of our most basic freedoms.

I believe that God is and should remain in public schools. I encourage students to exercise their religious freedom and their freedom to pray both at home and at school.

I have cosponsored legislation that would enable high school students to use public school facilities for voluntary religious activities before and after school.

But I do not believe the constitutional amendment proposed by the President is appropriate in that context. Therefore, I intend to vote against the President's amendment.

This vote would be easy for me if I were only thinking about politics. I, like everyone else, have seen the public opinion polls. I, too, have received thousands of phone calls and letters urging me to support the amendment. But I was not elected just to make political votes. I was elected to make informed, thoughtful, prudent, and judicious votes on difficult questions.

I believe my vote against the constitutional amendment meets that standard.

Mr. RANDOLPH. Mr. President, today I join my colleagues in expressing my strong support for an amendment to the Constitution of the United States that would reinstate voluntary, vocal prayer into our Nation's public schools and other public institutions.

For over 170 years students in our country's schools were allowed to express their belief in God, freely and openly through vocal prayer, the reading and recitation of religious works, and daily Bible reading. Not until the early 1960's, was it interpreted by the Supreme Court that this free, voluntary exercise of religion in the classroom was an "excessive connection between church and state, and therefore a violation of the first amendment.

Since the Supreme Court's 1962 decision, Engel against Vitale, ruling that a New York State local school board requirement that its students recite each day a prayer that had been composed and recommended by its State board of regents was unconstitutional, Federal courts have reinforced the ban on school prayer, and have expanded the restrictions on States to prohibit the incorporation of any religious observances into the daily routine of the public school student.

In Engel against Vitale, the Court determined that New York State's effort to compose a prayer for use in its public schools violated those portions of the Constitution that prohibit all Government, Federal and State, from undertaking initiatives that establish religion. Further, in 1963, 1 year later, the Supreme Court followed up its original New York regents prayer decision with a ruling, Abington against Schempp, striking down a pair of State laws that authorized classroom devotionals consisting of the Lord's Prayer and/or selected verses from the Bible.

Within 3 days of the Court's original decision, more than 50 proposed constitutional amendments, intended to override or to limit the controversial ruling, were introduced. Hearings in both the House and Senate Judiciary Committees were held, but no further action on this issue was taken by the Congress at that time, due in large part to a reluctance of many Members to alter any Supreme Court interpretation of the first amendment. However, in 1966, I recall the dedicated efforts of my good friend and able colleague, Senator Everett Dirksen, then the Senate's minority leader, who brought the prayer in schools issue back to the forefront of the Congress, when he added a prayer resolution to an unrelated minor bill, which was then pending in the Senate. Although Senator Dirksen's prayer amendment was supported by a majority of those voting in the Senate that day, a vote of 49 to 37, it fell short of the two-thirds majority needed for a constitutional amendment. At that time I supported the efforts of my friend from Illinois, Senator Dirksen, as he led the Senate in attempting to restore voluntary prayer in our public schools, and I join with my colleagues today, in this the 98th Congress, as we continue this struggle to remove the prohibition on school prayer enunciated by the Supreme Court in 1962 and 1963. Today I urge my colleagues in the Senate to support a constitutional amendment that would restore our educational system to the status it enjoyed before the Engel against Vitale decision, when the right to exercise one's religion through prayer was not confused with the separation between church and state.

It is my strong belief that although our Founding Fathers envisioned a division between the state and the church, they never intended to have the language of the Constitution interpreted to require a separation of religion and the Government. A separation of the church and Government as contemplated by the original authors of the Constitution was a plan by which bitter disputes between various sects were to be avoided—but there was never any intention to remove recognition of God from all government functions.

As a nation, we have continued to recognize God and his divine guidance in many ways, such as in our Pledge of Allegiance, our national anthem, and on our coinage. Further, the Congress of the United States, both in the House of Representatives and the Senate, enjoy the right of beginning each daily session with a prayer to our God. Even the Supreme Court of our Nation begins its sessions with the invocation "God save the United States and this Honorable Court." The founders of our Nation did not intend to forbid public prayer—prayer has been part of our public assemblies since Benjamin Franklin requested that prayer be observed by the Constitutional Convention, "I therefore beg leave to move—that henceforth prayers imploring the assistance of Heaven, and its blessing on our deliberation, be held in the Assembly every morning before we proceed to business."

Mr. President, if we the Members of the U.S. Congress, as well as the Justices of the Supreme Court, and many others in our Nation, are allowed the privilege of expressing our religious beliefs through prayer, should not our Nation's children in our public schools also be allowed to enjoy that same privilege? The incorporation of an amendment to our U.S. Constitution that would strike down the Supreme Court's decisions banning school prayer, will require a favorable vote of two-thirds of the Congress, and the ratification of three-quarters of the 50 States. I encourage my colleagues in the Senate to vote for the passage of such a constitutional amendment, thus sending such a measure to the States for ratification—allowing each individual State to decide whether or not voluntary school prayer should or should not be a part of their children's daily regimen.

We are "One Nation Under God." Let us not forget this as we vote on this vital issue in the coming days.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Mr. BAKER. Mr. President, is the unfinished business still the pending business?

The PRESIDING OFFICER. It is.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent there now be a period for the transaction of routine morning business not past 6:15 p.m. in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the

Senate messages from the President of the United States submitting a nomination which was referred to the Committee on Labor and Human Resources.

(The nomination received today is printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States reported that he had approved and signed the following act and joint resolutions:

On March 2, 1984:

S. 1388. An act to amend title 38, United States Code, to increase the rates of compensation for disabled veterans and the rates of dependency and indemnity compensation for survivors; to express the sense of the Congress that increases in the rates of compensation should take effect on December 1 beginning in fiscal year 1984; and for other purposes.

S.J. Res. 184. Joint resolution to designate the week of March 4, 1984, through March 10, 1984, as "National Beta Club Week".

On March 5, 1984:

S.J. Res. 193. Joint resolution designating March 6, 1984, as "Frozen Food Day".

On March 12, 1984:

S.J. Res. 161. Joint resolution to designate the month of April 1984, as "National Child Abuse Prevention Month".

MESSAGES FROM THE HOUSE

At 11:08 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that pursuant to the provisions of section 276h, title 22, United States Code, the Speaker appoints as members of the United States delegation of the Mexico-United States Interparliamentary Group for the 2d session of the 98th Congress the following Members on the part of the House: Mr. DE LA GARZA, chairman, Mr. YATRON, vice chairman, Mr. KAZEN, Mr. SKELTON, Mr. KOGOVSEK, Mr. ALEXANDER, Mr. BARNES, Mr. LAGOMARSINO, Mr. RUDD, Mr. GOODLING, Mr. DREIER of California, and Mr. BEREUTER.

At 11:34 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 3240. An act to authorize the President of the United States to present on behalf of Congress a specially struck medal to the widow of Roy Wilkins;

H.R. 3614. An act to authorize the awarding of a special congressional gold medal to the daughter of Harry S. Truman in recognition of his outstanding service to the United States; and

H.J. Res. 394. Joint resolution to provide for the awarding of a gold medal to Lady Bird Johnson in recognition of her humanitarian efforts and contributions to the improvement and beautification of America.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 3:43 p.m. a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

S. 912. An act to modify the authority for the Richard B. Russell Dam and Lake project, and for other purposes; and

H.J. Res. 454. Joint resolution honoring the contribution of blacks to American independence.

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3614. An act to authorize the awarding of a special congressional gold medal to the daughter of Harry S. Truman in recognition of his outstanding service to the United States; to the Committee on Banking, Housing, and Urban Affairs.

H.J. Res. 394. Joint resolution to provide for the awarding of a gold medal to Lady Bird Johnson in recognition of her humanitarian efforts and contributions to the improvement and beautification of America; to the Committee on Banking, Housing, and Urban Affairs.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3240. An act to authorize the President of the United States to present on behalf of Congress a specially struck medal to the widow of Roy Wilkins.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary reported that on today, March, 14, 1984, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 225. Joint resolution designating the month of March 1984 as "National Eye Donor Month."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

H.R. 4835. An act to authorize funding for the Clement J. Zablocki Memorial Outpatient Facility at the American Children's Hospital in Krakow, Poland.

By Mr. PERCY, from the Committee on Foreign Relations, with amendments and amendments to the preamble:

H. Con. Res. 197. Concurrent resolution expressing support for the agreement on a framework for negotiating a peaceful settlement to the conflict and turmoil in Central America which was reached by Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua as a result of the initiative of the Contadora group.

By Mr. HATFIELD, from the Committee on Appropriations, with amendments:

H.J. Res. 492. Joint resolution making urgent supplemental appropriations for the fiscal year ending September 30, 1984, for the Department of Agriculture (Rept. No. 98-365).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations:

Harold K. Philips, of California, to be a member of the Board of Directors of the Inter-American Foundation for a term expiring September 20, 1988.

(The above nomination was reported from the Committee on Foreign Relations with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PERCY. Mr. President, for the Committee on Foreign Relations, I also report favorably a nomination list in the Foreign Service (printed in full in the RECORD of March 6, 1984) and, to save the expense of reprinting the nominations on the Executive Calendar, ask that these nominations lie on the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. DOLE, from the Committee on Finance;

David Campbell Mulford, of Illinois, to be a Deputy Under Secretary of the Treasury;

Fred T. Goldberg, Jr., of Maryland, to be an Assistant General Counsel in the Department of the Treasury (Chief Counsel for the Internal Revenue Service);

Alfred Hugh Kingon, of New York, to be an Assistant Secretary of the Treasury;

David B. Rohr, of Maryland, to be a member of the U.S. International Trade Commission for the remainder of the term expiring December 16, 1985;

Susan Wittenburg Liebeler, of California, to be a member of the U.S. International Trade Commission for the remainder of the term expiring December 16, 1988;

Stephanie Lee-Miller, of the District of Columbia, to be an Assistant Secretary of Health and Human Services; and

Julian I. Jacobs, of Maryland, to be a judge of the U.S. Tax Court for a term expiring 15 years after he takes office.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. FORD:

S. 2425. A bill to amend the Age Discrimination in Employment Act of 1967 to exempt State law enforcement officers from such act; to the Committee on Labor and Human Resources.

By Mr. HEINZ:

S. 2426. A bill to provide for the temporary suspension of the duty on mixtures of 5-chloro-2-methyl-4-isothiazolin-3-one, 2-methyl-4-isothiazolin-3-one, magnesium chloride and magnesium nitrate; to the Committee on Finance.

S. 2427. A bill to provide for the temporary suspension of the duty on mixtures of potassium 1-(p-chlorophenyl)-1, 4-dihydro-6-methyl-4-oxopyridazine-3-carboxylate ("Fenridazon-potassium") and formulation adjuvants; to the Committee on Finance.

By Mr. EXON:

S. 2428. A bill relating to classifications of imported steel tubes used in lampposts; to the Committee on Finance.

By Mr. PACKWOOD (for himself and Mr. HATFIELD):

S. 2429. A bill to amend the Tariff Schedules of the United States to increase the duty on certain shelled filberts; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FORD:

S. 2425. A bill to amend the Age Discrimination in Employment Act of 1967 to exempt State law enforcement officers from such Act; to the Committee on Labor and Human Resources.

EXEMPTING STATE LAW ENFORCEMENT OFFICERS FROM AGE DISCRIMINATION IN EMPLOYMENT ACT

Mr. FORD. Mr. President, today I am introducing legislation to correct what I feel is an unintended consequence of legislation passed in 1974 which expanded coverage of the Age Discrimination in Employment Act (ADEA) to State and local employees. Until 1974, State law enforcement personnel were not covered by ADEA. State law enforcement agencies were free to structure retirement policies for their officers which provided more generous retirement benefits in return for early mandatory retirement.

State law enforcement agencies have long recognized early retirement as necessary to both attract and maintain the youthful and vigorous work force which the hazards of the job demand. In light of recent lawsuits brought by EEOC under provisions of the ADEA, retirement policies of State law enforcement agencies across the Nation are being jeopardized. Because I do not believe that Congress intended to threaten the quality of State law enforcement protection when it expanded the ADEA to State employees, I am today introducing legislation to exempt State law enforcement personnel from the act.

Since 1947, Congress has recognized the need for early retirement benefits for Federal law enforcement personnel and has provided special early retirement benefits to all Federal employees whose duties are primarily investigating, apprehending, or detaining persons suspected or convicted of committing Federal crimes.

Throughout the years these same provisions have been extended to Federal employees of correctional institutions and Federal firefighters. By 1977, about 52,000 employees in various Federal agencies and the District of Columbia were covered under the special retirement program for Federal law enforcement and firefighter personnel, including employees in the FBI, Bureau of Prisons, Immigration and Naturalization Service, U.S. Customs Service, Internal Revenue Service, U.S. Secret Service, and the U.S. Postal Service.

Congress has consistently maintained that the need for early retirement policies for these employees has been to improve and maintain the quality, efficiency, and productivity of law enforcement activities by making it a "young man's service." In 1974, Congress passed Public Law 93-350, which established, effective January 1978, mandatory retirement at age 55, or upon completion of 20 years of covered service, for all covered Federal law enforcement and firefighting personnel. Congress emphasized in the legislative history of that bill that the special retirement provisions were necessary to insure a work force young enough to cope with the unusual physical and emotional requirements of those positions. Although there was no floor debate in the Senate on this issue, debate on the House floor clearly indicated the concern of Congress that the goal of mandatory retirement be met: to maintain a relatively young and vigorous staff of law enforcement and firefighting personnel capable of carrying out the demanding hazardous duties of their positions by replacing older personnel who, because of the stringent physical requirements of their positions and the unusual mental and emotional stress associated with those positions, were no longer able to perform at top efficiency.

Mr. President, I contend that the goal of mandatory retirement provisions of State law enforcement agencies is no less honorable than that expounded by Congress for Federal law enforcement personnel. In fact, the need for special retirement provisions for Federal law enforcement personnel was justified based on State special retirement provisions. And although the need for special retirement benefits for Federal law enforcement and firefighting personnel has been questioned over the years, Congress has let those provisions stand.

In 1978, during debate of legislation which amended the ADEA to raise the mandatory retirement age to 70 for non-Federal employees, the issue of early retirement for Federal law enforcement personnel was raised. Consequently, the House Subcommittee on Compensation and Employees Benefits, House Committee on Post Office and Civil Service, held 6 days of hearings between September 27 and December 1, 1977, on special Federal retirement provisions. The overwhelming feeling of those who testified was that since 1947, Congress had consistently recognized the need for special retirement benefits for Federal law enforcement officials due to the hazardous and demanding duties of their positions and that those duties required a relatively young and vigorous work force which could best be maintained by encouraging early retirement.

Testimony at those hearings indicated that although factors other than age, such as the results of rigorous routine medical exams, might serve as an alternative basis for mandatory retirement, such alternative tests had not been satisfactorily developed by the medical community so as to be workable and dependable. Furthermore, such procedures would be costly to administer and produce unreliable results. Witnesses contended that until methods can be developed which reliably correlate the requirements of a special job and the measurable physical and emotional fitness of an individual employee, age is the only way of measuring fitness. Although age may seem to be an arbitrary measurement, it can be proved that after a certain age physical ability and activity generally decline. The subcommittee took no action following those hearings to either narrow or repeal the mandatory retirement provisions for Federal law enforcement personnel.

When Congress expanded coverage of the ADEA to State and local employees in 1974, there was no discussion of what effect this action might have on State law enforcement personnel either in the committee reports or during the floor debates in the House and Senate. But today, the effects of that extension are being felt in my home State of Kentucky, as well as in many other States, which are suddenly finding themselves in court defending mandatory retirement policies for State law enforcement personnel.

There can be no doubt that the same concerns which have led Congress to uphold mandatory retirement for Federal law enforcement personnel apply equally to State law enforcement personnel. The duties of State law enforcement personnel are equally hazardous, equally demanding, and equally stressful. The duties of State law enforcement personnel similarly require a youthful and vigorous work force. The demands of State law enforcement personnel equally deserve the recognition that such hazardous service warrants special early retirement policies with generous benefits to compensate for both the rigorous effects of the duties performed and the financial needs of a relatively young retiree.

Unfortunately, by extending the ADEA to State employees, Congress unintentionally, and with no public

debate on the consequences, also effectively eliminated the ability of State law enforcement agencies to structure effective special retirement policies for State law enforcement personnel.

The bill I am introducing today seeks to rectify this consequence by exempting State law enforcement personnel from the Age Discrimination in Employment Act. I have been a long and ardent supporter of the act and the protection it affords older Americans in the work force. I do not, and would not, support a wholesale repeal of the act as it pertains to State and local employees. However, recognizing the historic importance Congress has given to the special needs of Federal law enforcement personnel, in exempting them from the ADEA, I can see no less need in exempting similar workers on the State level. Like the Federal exemption, my bill exempts only those State employees whose duties are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of a State, or the enforcement of traffic laws of a State, or both. Like the Federal exemption, my bill also exempts these law enforcement employees who are transferred to a supervisory position.

The National Governors Association, at its August 1983 meeting, adopted a policy position urging the adoption of legislation to exempt State law enforcement officials from the ADEA. Similarly, the National Association of Attorneys General adopted a resolution at its June 1983 meeting supporting legislation which would resolve this inconsistently in retirement coverage between Federal and State law enforcement officials.

Finally, in September 1983, the National Troopers coalition issued a resolution calling on Congress to enact legislation exempting State law enforcement officials from the ADEA. Clearly, there is a national need for such legislation, and the bill which I am introducing is designed to address the legitimate needs of a limited sector of State employees. This bill is not intended to open the door to far-reaching repeal of the ADEA. It is not an indictment of the older worker, nor does it purport to establish a precedent for early retirement. This bill does seek to recognize that in a very few occupations age is a significant factor in job performance, and in the case of law enforcement personnel is the only reasonably controllable factor. This bill addresses an inconsistency in the application of the ADEA between the identical needs of Federal and State law enforcement personnel and extends only to that specific State group.

I will fight long and hard for the rights of older Americans to remain free from discrimination in this Nation's work force. At the same time I will fight long and hard to insure that the safety and well-being of all older Americans is preserved by young and vigorous State law enforcement personnel who are physically and emotionally capable of protecting not only the elderly, but all citizens.

By Mr. EXON:

S. 2428. A bill relating to classification of imported steel tubes used in lampposts; to the Committee on Finance.

TARIFF TREATMENT OF CERTAIN STEEL

Mr. EXON. Mr. President, I rise to offer a bill regarding the tariff classification of imported steel tubes used in lampposts. For several years, steel tapered tubes have been imported and used for manufacturing steel light poles in the United States. Such imports have been entering the United States from France, West Germany, and Mexico. The chief French producer and exporter challenged the classification of these tubes imported into the United States in 1980 as illuminating articles under item 653.39 of the Tariff Schedules of the United States. The French company sought classification of its product as pipes and tubes of steel which would carry a tariff of approximately 5 percent as opposed to a tariff in excess of 17 percent if classified as an illuminating article. In *E. R. Hawthorne & Co., etc.* v. *The United States* (U.S. Court of International Trade, slip op. 83-67, July 11, 1983), the court decided that despite the fact that the steel tubes are used to support luminaries for outdoor street and area lighting, the imported product should be classified as "pipes and tubes of steel," under item 610.32 of the Tariff Schedules of the United States. The low tariff assessed on the French product along with price supports from the French Government puts domestic producers of such tapered products at a significant competitive disadvantage.

After studying the court's opinion, I believe that the court of International Trade erred in its determination that these items should be classified in the lower tariff classification. The purpose of this bill is to correct that decision and return to the classification practice used prior to July 1983.

By Mr. PACKWOOD (for himself and Mr. HATFIELD):

S. 2429. A bill to amend the Tariff Schedules of the United States to increase the duty on certain shelled filberts; to the Committee on Finance.

TARIFF SCHEDULES AMENDMENTS FOR SHELLED FILBERTS

● Mr. PACKWOOD. Mr. President, I am pleased to offer a bill today designed to encourage imported filberts—hazelnuts—to meet the same standards of high quality that are being met by the domestic hazelnut industry. This bill would place a prohibitive tariff on imported nuts which do not meet the accepted U.S. domestic-quality standard. It would also update the general tariff on filberts to a more realistic level in light of current prices.

The home of our domestic filbert industry is Oregon, where 95 percent of this country's hazelnuts are grown. Most of the remaining production is in my neighboring State of Washington.

The filbert industry has long recognized the importance of providing high-quality filberts to U.S. consumers. Over the years the filbert industry has gradually lowered the tolerance levels for a variety of defects—decay, rancidity, mold, and insect injury. Until recently, Federal standards have regularly followed the lead of the domestic industry.

Last year the Department of Agriculture established a new Federal standard for serious defects, which allows imported filberts to meet a lower quality standard than is currently being met in the domestic industry. This bill would address this situation by discouraging the importation of low-quality nuts with a prohibitive tariff. There is every indication that foreign filbert producers and importers can meet the standards met by Oregon No. 1 grade which are grown domestically.

High-quality standards are beneficial to the industry and to consumers. There are many possible uses for filberts which are not common in this country. These depend on high-quality levels. For example, European countries have popular chocolate bars filled with filberts, and filberts are commonly used in baked goods as well. The U.S. filbert industry may be blocked from expanding into these areas unless high-quality standards are maintained.

A second problem faced by our domestic growers is the fact that over the years the current tariff on imported filberts has become outdated due to inflation. The current tariff of 8 cents per pound was set in 1948. Due to the impact of inflation on filbert prices, that tariff would now have to be 32 cents to maintain a comparable ratio. This bill only asks for an increase to 16 cents. This is a modest and reasonable tariff increase. It will have little impact on prices to consumers, but it is necessary for the survival and expansion of the domestic filbert industry.

Some would argue that the domestic industry is simply trying to prevent their foreign competition from entering the domestic market. This simply is not true. The domestic industry is absolutely dependent on imported filberts to meet the entire national demand, both current and projected. While the U.S. filbert industry is growing, it is in no position to take over the entire domestic market—it must rely on imported filberts. For

this reason it is highly important to insure high-quality standards and a fair and consistent price.

I am convinced that this bill will be beneficial to all producers of filberts, foreign and domestic, because it will encourage the consistency in prices and quality needed to expand the market for filberts in this country.●

● Mr. HATFIELD. Mr. President, I join my colleague from Oregon in introducing this tariff bill on the importation of filberts—or as they are more commonly known—hazelnuts. This bill would only affect those nuts that do not meet or exceed the No. 1 standard for four common defects that can affect hazelnuts. Both Senator PACKWOOD and I deliberated long and hard before introduction of this legislation. We both consider ourselves open traders; working hard to improve U.S. trade regulations throughout the world, for U.S. products and particuarly those from Oregon. Normally, this type of legislation would be difficult to support in this context.

However, we have exhausted every nonlegislative remedy in an attempt to assure the basic quality of hazelnuts consumed in the United States, and been thwarted by political considerations not related to market forces.

Neither Oregon Senator wants to limit the volume of filberts into the United States. While Oregon is the No. 1 producer of domestic filberts, domestic supply does not nearly reach demand. Imported nuts must fill this void to continue stable supplies for consumers.

This legislation is designed to provide an economic incentive for importers to supply the highest quality product available. The market for shelled and unshelled filberts has been increasing over the past several years. However, unlike the market for almonds, or peanuts, the usage of hazelnuts in candies, mixed nuts, and bakery products falls in a "soft market" category. Consumer preference is a slowly moving leviathan, that needs prudent and sustained attention. In the nut market, consumer preference is gradually moving toward filberts. However, this movement can be stopped by poor-quality hazelnuts getting into the supply chain through the unwillingness of importers to meet this reasonable domestic standard for this nut. This is particularly true of importers from Turkey. World market reports indicate there are substantial supplies of No. 1 standard filberts in the world market—including those in Turkey—sufficient to meet the U.S. need at the specific quality standard. Importers choose to send first-quality nuts to the European Community rather than to the United States, and this choice is made for reasons unrelated to the import-export market.

Mr. President, Senator PACKWOOD and I are merely attempting to assure that American consumers have the best-quality product available. I would like to reiterate, this is not an attempt to limit the volume of imported filberts, that is the job of the market forces. However, just as with meat imports, we have a right—indeed a duty—to keep quality a major consideration in the importation of agricultural products.●

ADDITIONAL COSPONSORS

S. 540

At the request of Mr. GOLDWATER, the name of the Senator from Arkansas (Mr. BUMPERS) was added as a cosponsor of S. 540, a bill to amend the Public Health Service Act to establish a National Institute of Arthritis and Musculoskeletal and Skin Diseases, and for other purposes.

S. 627

At the request of Mr. PACKWOOD, the names of the Senator from Missouri (Mr. EAGLETON), and the Senator from California (Mr. CRANSTON) were added as cosponsors of S. 627, a bill to authorize the establishment of a national scenic area to assure the protection, development, conservation, and enhancement of the scenic, natural, cultural, and other resource values of the Columbia River Gorge in the States of Oregon and Washington, to establish national policies to assist in the furtherance of its objective, and for other purposes.

S. 1256

At the request of Mr. MOYNIHAN, the name of the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of S. 1256, a bill to authorize special assistance for desegregation activities.

S. 1356

At the request of Mr. D'AMATO, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1356, a bill to amend chapter 37 of title 31, United States Code, to authorize contracts with law firms for the collection of indebtedness owed the United States.

S. 1842

At the request of Mr. ARMSTRONG, the names of the Senator from Nevada (Mr. HECHT), and the Senator from California (Mr. CRANSTON) were added as cosponsors of S. 1842, a bill to amend the Colorado River Basin Salinity Control Act to authorize the Secretary of Agriculture to develop and implement a coordinated agricultural program in the Colorado River Basin.

S. 1950

At the request of Mr. MATTINGLY, the names of the Senator from Alaska (Mr. MURKOWSKI), and the Senator from North Carolina (Mr. EAST) were added as cosponsors of S. 1950, a bill to amend the Internal Revenue Code of 1954 to increase the annual contribution limit for individual retirement accounts from $2,000 to $3,000 and to make such accounts more equitable in the case of lesser earnings and nonworking spouses.

S. 1992

At the request of Mr. BENTSEN, the names of the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of S. 1992, a bill to amend the Internal Revenue Code of 1954 to simplify and improve the income tax treatment of life insurance companies and their products.

S. 2031

At the request of Mr. MOYNIHAN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2031, a bill relating to the residence of the American Ambassador to Israel.

S. 2070

At the request of Mr. HEFLIN, the name of the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 2070, a bill to amend certain provisions of the Internal Revenue Code of 1954 relating to the reporting of tips in the case of certain food and beverage establishments.

S. 2102

At the request of Mr. ROTH, the names of the Senator from Michigan (Mr. RIEGLE) and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 2102, a bill to charter the National Academy of Public Adminstration.

S. 2218

At the request of Mr. DODD, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2218, a bill to continue in effect the certification requirements with respect to El Salvador until the Congress enacts new legislation providing conditions for U.S. military assistance to El Salvador or until the end of fiscal year 1984, whichever occurs first.

S. 2247

At the request of Mr. DECONCINI, the names of the Senator from North Dakota (Mr. ANDREWS), the Senator from Oklahoma (Mr. BOREN), the Senator from Arkansas (Mr. BUMPERS), and the Senator from Alabama (Mr. HEFLIN) were added as cosponsors of S. 2247, a bill to provide for the payment of certain burial benefits for veterans who were former prisoners of war.

S. 2275

At the request of Mr. CHAFEE, the name of the Senator from Florida (Mr. CHILES) was added as a cosponsor of S. 2275, a bill to establish a program to improve the leadership and management skills of school administrators, and for other purposes.

S. 2307

At the request of Mr. BOSCHWITZ, the names of the Senator from New Jersey (Mr. BRADLEY), and the Senator from Oklahoma (Mr. BOREN) were added as cosponsors of S. 2307, a bill making a supplemental appropriation to carry out title II of Public Law 480.

S. 2309

At the request of Mr. MOYNIHAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2309, a bill to authorize the offer and payment of rewards for information and services concerning terrorist activities.

S. 2366

At the request of Mr. ROTH, the name of the Senator from California (Mr. WILSON) was added as a cosponsor of S. 2366, a bill to require custodians of public money to deposit funds not later than 3 three business days after the date of receipt, and for other purposes.

S. 2374

At the request of Mr. STAFFORD, the names of the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2374, a bill to extend the authorization for 5 years for the low-income home energy assistance program, for the community services block grant, and for the Head Start program, and for other purposes.

S. 2380

At the request of Mr. HEINZ, the name of the Senator from Montana (Mr. MELCHER) was added as a cosponsor of S. 2380, a bill to reduce unfair practices and provide for orderly trade in certain carbon, alloy, and stainless steel mill products, to reduce unemployment, and for other purposes.

SENATE JOINT RESOLUTION 198

At the request of Mr. PRYOR, the names of the Senator from Illinois (Mr. PERCY), the Senator from Tennessee (Mr. SASSER), the Senator from New Jersey (Mr. BRADLEY), the Senator from North Dakota (Mr. BURDICK), the Senator from Montana (Mr. MELCHER), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Iowa (Mr. GRASSLEY), the Senator from Maryland (Mr. SARBANES), the Senator from Pennsylvania (Mr. HEINZ), the Senator from New Mexico (Mr. DOMENICI), the Senator from West Virginia (Mr. BYRD), and the Senator from Kansas (Mr. DOLE) were added as cosponsors of Senate Joint Resolution 198, a joint resolution designating April 27, 1984, as "National Nursing Home Residents Day."

SENATE JOINT RESOLUTION 231

At the request of Mr. DODD, the names of the Senator from Maine (Mr. COHEN), the Senator from Illinois (Mr. DIXON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Michigan (Mr. LEVIN), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsors of Senate Joint Resolution 231, a joint resolution to provide for the awarding of a gold medal to Elie Wiesel in recognition of his humanitarian efforts and outstanding contributions to world literature and human rights.

SENATE JOINT RESOLUTION 243

At the request of Mr. MOYNIHAN, the names of the Senator from Hawaii (Mr. INOUYE), and the Senator from Hawaii (Mr. MATSUNAGA) were added as cosponsors of Senate Joint Resolution 243, a joint resolution designating the week preceding October 28, 1984, as "National Immigration Week."

SENATE JOINT RESOLUTION 246

At the request of Mr. EXON, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kentucky (Mr. FORD), the Senator from Florida (Mr. CHILES), the Senator from Montana (Mr. MELCHER), the Senator from Maryland (Mr. SARBANES), and the Senator from South Dakota (Mr. PRESSLER) were added as cosponsors of Senate Joint Resolution 246, a joint resolution strongly urging the President to secure a full accounting of Americans captured or missing in action in Southeast Asia, and for other purposes.

SENATE JOINT RESOLUTION 255

At the request of Mrs. HAWKINS, the names of the Senator from Kansas (Mr. DOLE), the Senator from Hawaii (Mr. MATSUNAGA), the Senator from Rhode Island (Mr. CHAFEE), the Senator from New York (Mr. D'AMATO), the Senator from Indiana (Mr. LUGAR), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Idaho (Mr. MCCLURE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from California (Mr. WILSON), the Senator from North Dakota (Mr. BURDICK), the Senator from Louisiana (Mr. JOHNSTON), and the Senator from California (Mr. CRANSTON) were added as cosponsors of Senate Joint Resolution 255, a joint resolution to designate the month of May 1984 as "Older Americans Month."

SENATE JOINT RESOLUTION 257

At the request of Mr. STEVENS, the names of the Senator from Alaska (Mr. MURKOWSKI) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of Senate Joint Resolution 257, a joint resolution to designate the period July 1, 1984, through July 1, 1985, as the "Year of the Ocean."

SENATE RESOLUTION 241

At the request of Mr. LEVIN, the names of the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Texas (Mr. BENTSEN) were added as cosponsors of Senate Resolution 241, a resolution expressing the sense of the Senate that the foreign policy of the United States should take account of the genocide of the Armenian people, and for other purposes.

AMENDMENT NO. 2655

At the request of Mr. GRASSLEY, the names of the Senator from Nevada (Mr. HECHT), the Senator from Idaho (Mr. MCCLURE), the Senator from Oklahoma (Mr. NICKLES), and the Senator from Idaho (Mr. SYMMS) were added as cosponsors of amendment No. 2655 intended to be proposed to S. 1080, a bill to amend the Administrative Procedure Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs, to provide for a periodic review of regulations, and for other purposes.

AMENDMENTS SUBMITTED

IMPROVED WHEAT PROGRAM

JEPSEN AND GRASSLEY AMENDMENT NO. 2784

(Ordered to lie on the table.)

Mr. JEPSEN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by them to the bill (H.R. 4072) to provide for an improved wheat program for wheat; as follows:

At the end of the Committee reported substitute, add the following new section:

AMOUNT OF EMERGENCY LOANS BASED ON PRODUCTION LOSSES

SEC. 507. (a) The second sentence of section 329 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1970) is amended—

(1) by inserting "(1)" after "based upon"; and

(2) by striking out the period at the end of such sentence and inserting in lieu thereof a comma and the following: "and (2) the higher of (A) the average monthly price in effect throughout the United States during the one year period ending on first day of the first month occurring after the date on which the natural disaster began (as determined by the Secretary) or on the date the major disaster or emergency was declared by the President, as the case may be, or (3) the average monthly price in effect throughout the United States during the three-month period beginning on the day referred to in subclause (A).".

(b) The amendment made by subsection (a) shall become effective as of May 31, 1983.

ADMINISTRATIVE PROCEDURE ACT AMENDMENTS

LEVIN AMENDMENT NO. 2785

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to the bill (S. 1080) to amend the Administrative Procedure Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs, to provide for a periodic review of regulations, and for other purposes; as follows:

On page 55, beginning with line 1, strike out through the matter following line 5 on page 66 and insert the following:

CONGRESSIONAL REVIEW

SEC. 13. (a) Title 5, United States Code, is amended by inserting after chapter 7 the following new chapter:

"CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULE MAKING

"Sec.
"801. Definitions.
"802. Transmission of rules to the Congress.
"803. Congressional review.
"804. Waiver.
"805. Consideration of joint resolutions.
"806. Effect of disapproval of rule.
"807. Effect on judicial review.
"808. Computation of days of continuous session of Congress.

"§ 801. Definitions

"For purposes of this chapter:

"(1) The term 'agency' has the same meaning as in section 551(1) of this title.

"(2) The term 'appropriate committee' means the committee in the House of Representatives and the committee in the Senate which has primary legislative jurisdiction over the statute pursuant to which an agency may issue a particular rule.

"(3) The term 'days' means days of continuous session of Congress.

"(4) The term 'rule' means a rule subject to section 553 of this title, except that such term does not include any rule of particular applicability that approves or prescribes for the future rates, wages, prices, services, or allowances therefor, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing.

"(5) The term 'joint resolution' means only an unamendable resolution the matter after the resolving clause of which reads: 'That the Senate and the House of Representatives disapprove the rule entitled transmitted to the Congress by on , 19 .', The blank spaces to be filled with the appropriate title of the rule, the name of the agency issuing the rule, and the date of transmittal of the rule.

"§ 802. Transmission of rules to the Congress

"(a) On the day an agency forwards to the Federal Register for publication a recommended final rule, the agency shall transmit a copy of such rule to the Secretary of the Senate and the Clerk of the House of Representatives. The Secretary of the Senate and the Clerk of the House of Representatives shall be authorized to receive a recommended final rule under this subsection whether the appropriate House is in session or recess.

"(b) On the day on which the Secretary of the Senate and the Clerk of the House of Representatives receive a recommended final rule, the Secretary and the Clerk shall transmit a copy of such rule to appropriate committees.

"§ 803. Congressional review

"(a) Notwithstanding any other provision of law, no recommended final rule may become effective until the expiration of a period of thirty days after the date on which such rule is received by the Secretary of the Senate and the Clerk of the House of Representatives under section 802 (a) of this title. If before the expiration of such thirty-day period, either appropriate committee orders reported or is discharged from consideration of a joint resolution with respect to such rule, such rule may not become effective until the earlier of—

"(1) the expiration of a period of sixty days beginning on the date on which the committee ordered reported or is discharged from consideration of such joint resolution, except that such rule may not become effective under this paragraph if within such sixty-day period a joint resolution with respect to such rule has become law;

"(2) any time after either House of Congress has rejected a joint resolution with respect to such rules; or

"(3) the adjournment of Congress sine die at the end of a Congress, except that such rule may not become effective under this paragraph if—

"(A) a period of less that thirty days has expired since the date on which such rule was received by the appropriate committees; or

"(B) a joint resolution with respect to such rule has become law.

"(b) Notwithstanding any other provision of law, any final rule subject to this section shall be considered a recommendation of the agency to the Congress and shall have no force and effect as a rule unless such rule has become effective in accordance with this section.

"(C) Whenever an appropriate committee reports a joint resolution pursuant to this section, the resolution shall be accompanied by a committee report specifying the reasons for the committee's action.

"§ 804. Waiver

"The provisions of sections 802 and 803 of this title may be waived with respect to a particular rule if—

"(1) the head of the agency promulgating the rule—

"(A) makes a finding with respect to such rule under paragraph (2) or (3) of section 553(b) of this title; or

"(B) determines that such rule is being issued in response to an emergency situation or other exceptional circumstances requiring immediate agency action in the public interest, or that the contents of such rule must be kept confidential prior to the effective date of such rule; and

"(2) the head of the agency submits to the chairman and ranking minority members of the appropriate committees a written notice of the finding under subparagraph (A) of paragraph (1) or the determination under subparagraph (B) of such paragraph.

"§ 805. Consideration of joint resolutions

"(a) The provisions of this section, paragraph (5) of section 801, and subsection (c) of section 803 are enacted by Congress—

"(1) as an exercise of the rule making power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of joint resolutions; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House of change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(b) Except as provided in subsection (e) of this section, joint resolutions shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(c)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which a joint resolution has been referred does not report such resolution within twenty days after the date of transmittal to the Congress of the recommended final rule to which such joint resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which a joint resolution transmitted from the other House has been referred does not report such resolution within thirty days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in writing by one-fifth of the Members, duly chosen and sworn, of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after a joint resolution has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled, by the majority leader and the minority leader or their designees. An amendment to the motion is not in order.

"(d)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of a joint resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively."(2) When a committee has reported or has been discharged from further consideration of a joint resolution, or when the companion joint resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding the provisions of rule XXII of the Standing or the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such joint resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

"(3) Debate on a joint resolution shall be limited to not more than two hours (except that when one House has debated the joint resolution of that House, the companion joint resolution of the other House shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the joint resolution and which shall be divided in the Senate equally between, and controlled, by the majority leader and the minority leader or their designees. A motion further to limit debate is not in order. An amendment to, or

motion to recommit the joint resolution is not in order. A motion to reconsider shall be in order only on the day on which occurs the vote on adoption of the joint resolution, and shall not be debatable. Any other motions shall be decided without debate.

"(e) If a joint resolution with respect to a rule has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a joint resolution with respect to the same rule from the other House, the joint resolution of the other House shall be placed on the appropriate calendar of the first House. If prior to the disposition of a joint resolution of one House, that House receives in joint resolution with respect to the same rule from the other House, the vote in the first House shall occur on the joint resolution of the other House.

"§ 806. Effect of disapproval of rule

"(a) If a recommended final rule of an agency does not become effective under this chapter, the agency may issue a recommended final rule which relates to the same acts or practices as the rule which did not become effective under this chapter. Such recommended final rule—

"(1) shall be based upon—

"(A) the rule making record of the recommended final rule which did not become effective under this chapter; or

"(B) such rule making record and the record established in supplemental rule making proceedings conducted by the agency in accordance with section 553 of this title, in any case in which the agency determines that it is necessary to supplement the existing rule making record; and

"(2) may reflect such changes as the agency considers necessary or appropriate including such changes as may be appropriate in light of congressional debate and consideration of the joint resolution with respect to the rule which did not become effective under this chapter.

"(b) An agency, after issuing a recommended final rule under this section, shall transmit such rule to the Secretary of the Senate and the Clerk of the House of Representatives in accordance with section 802(a) of this title, and such rule shall only become effective in accordance with this chapter.

"§ 807. Effect on judicial review

"Congressional inaction on, or rejection of, any joint resolution concerning a rule shall not be deemed an expression of approval of the rule involved. The compliance of any agency with the requirements of this chapter, including any determination by an agency under this chapter, shall not be subject to judicial review of any kind.

"§ 808. Computation of days of continuous session of Congress

"For purposes of this chapter—

"(1) continuity of session is broken only by an adjournment sine die at the end of a Congress; and

"(2) the days on which either House is not in session because of an adjournment or recess to a day certain shall be excluded in the computation of days of continuous session of Congress for the twenty-day and thirty-day periods referred to in this chapter if the adjournment is for more than three days, and shall be excluded in such computation for the sixty-day period referred to herein if the adjournment is for more than fifteen days.".

(b) The table of chapters for part I of title 5, United States Code, is amended by inserting after the item relating to chapter 7 the following:

"8. Congressional Review of Agency Rule Making..... 801.".

SOCIAL SECURITY DISABILITY AMENDMENTS

LEVIN AMENDMENT NO. 2786

(Ordered referred to the Committee on Finance.)

Mr. LEVIN of Michigan submitted an amendment intended to be proposed by him to the bill (S. 476) to amend title II of the Social Security Act to require a finding of medical improvement when disability benefits are terminated, to provide for a review and right to personal appearance prior to termination of disability benefits, to provide for uniform standards in determining disability, to provide continued payment of disability benefits during the appeals process, and for other purposes; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Social Security Disability Amendments of 1984".

PRETERMINATION NOTICE

SEC. 2. (a)(1) Section 221(i) of the Social Security Act is amended by adding at the end thereof the following new paragraph:

"(4) In any case where the Secretary initiates a review under this subsection of the case of an individual who has been determined to be under a disability, the Secretary shall notify such individual of the nature of the review to be carried out, the possibility that such review could result in the termination of benefits, and the right of the individual to provide medical evidence with respect to such review.".

(2) Section 221(c) of such Act is amended by adding at the end thereof the following new paragraph:

"(4) In any case where the Secretary initiates a review under this subsection of a determination made by a State agency that an individual is under a disability, the Secretary shall notify the individual whose case is to be reviewed of the nature of the review to be carried out and the possibility that such review could result in the termination of benefits.".

(b) Section 1633 of such Act is amended by adding at the end thereof the following new subsection:

"(c) In any case in which the Secretary initiates a review under this title, similar to the continuing disability reviews or own motion reviews authorized for purposes of title II under sections 221(c) and 221(i), the Secretary shall notify the individual whose case is to be reviewed in the same manner as required under section 221(i)(4) or 221(c)(4), respectively.".

STANDARD OF REVIEW FOR TERMINATION OF DISABILITY BENEFITS AND PERIODS OF DISABILITY

SEC. 3. (a) Section 223 of the Social Security Act is amended by inserting after subsection (e) the following new subsection:

"Standard of Review for Termination of Disability Benefits

"(f)(1) A recipient of benefits under this title or title XVIII based on the disability of any individual may be determined not to be entitled to such benefits on the basis of a finding that the physical or mental impairment on the bais of which such benefits are provided has ceased, does not exist, or is not disabling only if such finding is supported by—

"(A) substantial evidence which demonstrates that there has been medical improvement in the individual's impairment or combination of impairments so that—

"(i) the individual is not able to engage in substantial gainful activity, or

"(ii) if the individual is a widow or surviving divorced wife under section 202(e) or a widower or surviving divorced husband under section 202(f), the severity of his or her impairment or impairments is no longer deemed, under regulations prescribed by the Secretary, sufficient to preclude the individual from engaging in gainful activity; or

"(B) substantial evidence which—

"(i) consists of new medical evidence and (in a case to which subclause (II) does not apply) a new assessment of the individual's residual functional capacity and demonstrates that, although the individual has not improved medically, he or she is nonetheless a beneficiary of advances in medical or vocational therapy or technology so that—

"(I) the individual is now able to engage in substantial gainful activity, or

"(II) if the individual is a widow or surviving divorced wife under section 202(e) or a widower or surviving divorced husband under section 202(f), the severity of his or her impairment or impairments is no longer deemed under regulations prescribed by the Secretary sufficient to preclude the individual from engaging in gainful activity; or

"(ii) demonstrates that, although the individual has not improved medically, he or she has undergone vocational therapy so that the requirements of subclause (I) or (II) of clause (i) are met; or

"(C) substantial evidence which demonstrates that, as determined on the basis of new or improved diagnostic techniques or evaluations, the individual's impairment or combination of impairments is not as disabling as it was considered to be at the time of the most recent prior decision that he or she was under a disability or continued to be under a disability, and that therefore—

"(i) the individual is able to engage in substantial gainful activity, or

"(ii) if the individual is a widow or surviving divorced wife under section 202(e) or a widower or surviving divorced husband under section 202(f), the severity of his or her impairment or impairments is not deemed under regulations prescribed by the Secretary sufficient to preclude the individual from engaging in gainful activity.

"(2) Nothing in this subsection shall be construed to require a determination that a recipient of benefits under this title or title XVIII based on and individual's disability is entitled to such benefits if evidence on the record at the time any prior determination of such entitlement to disability benefits was made, or new evidence which relates to that determination, shows that the prior determination was either clearly erroneous at the time it was made or was fraudulently obtained, or if the individual is engaged in substantial gainful activity.

"(3) In any case in which there is not available medical evidence supporting a

prior disability determination, nothing in this subsection shall preclude the Secretary, in attempting to meet the requirements of the preceding provisions of this subsection, from securing additional medical reports necessary to reconstruct the evidence which supported such prior disability determination.

"(4) For purposes of this subsection, a benefit under this title is based on an individual's disability if it is a disability insurance benefit, a child's, widow's, or widower's insurance benefit based on disability, or a mother's or father's insurance benefit based on the disability of the mother's or father's child who has attained age 16.".

(b) Section 216(i) of such Act is amended by adding at the end thereof the following new paragraph:

"(4)(A) A period of disability may be determined to end on the basis of a finding that the physical or mental impairment on the basis of which the finding of disability was made has ceased, does not exist, or is not disabling only if such finding is supported by evidence described in subparagraph (A), (B), (C), or (D) or section 223(f)(1).

"(B) Nothing in subparagraph (A) shall be construed to require a determination that a period of disability continues if evidence on the record at the time any prior determination of such period of disability was made, or new evidence which relates to such determination, shows that the prior determination was either clearly erroneous at the time it was made or was fraudulently obtained, or if the individual is engaged in substantial gainful activity.

"(C) In any case in which there is no available medical evidence supporting a prior disability determination, nothing in this paragraph shall preclude the Secretary, in attempting to meet the requirements of the preceding provisions of this paragraph, from securing additional medical reports necessary to reconstruct the evidence which supported such prior disability determination.".

(c) Section 1614(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(5)(A) A recipient of benefits based on disability under this title may be determined not to be entitled to such benefits on the basis of a finding that the physical or mental impairment on the basis of which such benefits are provided has ceased, does not exist, or is not disabling only if such finding is supported by—

"(i) substantial evidence which demonstrates that there has been medical improvement in the individual's impairment or combination of impairments so that the individual is now able to engage in substantial gainful activity; or

"(ii) substantial evidence (except in the case of an individual eligible to receive benefits under section 1619) which—

"(I) consists of new medical evidence and a new assessment of the individual's residual functional capacity and demonstrates that, although the individual has not improved medically, he or she is nonetheless a beneficiary of advances in medical or vocational therapy or technology so that the individual is now able to engage in substantial gainful activity, or

"(II) demonstrates that, although the individual has not improved medically, he or she has undergone vocational therapy so that he or she is now able to engage in substantial gainful activity; or

"(iii) substantial evidence which demonstrates that, as determined on the basis of new or improved diagnostic techniques or evaluations, the individual's impairment or combination of impairments is not as disabling as it was considered to be at the time of the most recent prior decision that he or she was under a disability or continue to be under a disability, and that therefore the individual is able to engage in substantial gainful activity.

"(B) Nothing in this paragraph shall be construed to require a determination that a recipient of benefits under this title based on disability is entitled to such benefits if evidence on the record at the time any prior determination of such entitlement to benefits was made, or new evidence which relates to that determination, shows that the prior determination was either clearly erroneous at the time it was made or was fraudulently obtained, or if the individual (unless he or she is eligible to receive benefits under section 1619) is engaged in substantial gainful activity.

"(C) In any case in which there is no available medical evidence supporting a prior determination of disability, nothing in this paragraph shall preclude the Secretary, in attempting to meet the requirements of the preceding provisions of this paragraph, from securing additional medical reports necessary to reconstruct the evidence which supported such prior determination.".

CASE DEVELOPMENT AND MEDICAL EVIDENCE

SEC. 4. (a) Section 223(d)(5) of the Social Security Act is amended by inserting "(A)" after "(5)" and by adding at the end thereof the following new subparagraph:

"(B) In making any determination with respect to whether an individual is under a disability or continues to be under a disability, the Secretary shall consider all evidence available in such individual's case record, and shall develop a complete medical history of at least the preceding twelve months for any case in which a determination is made that the individual is not under a disability. In making any determination the Secretary shall make every reasonable effort to obtain from the individual's treating physician (or other treating health care provider) all medical evidence, including diagnostic tests, necessary in order to properly make such determination, prior to seeking medical evidence from any other source on a consultative basis.".

(b) Section 1614(a)(3) of such Act is amended by adding at the end thereof the following subparagraph:

"(G) In making determinations with respect to disability under this title, the provisions of section 223(d)(5) shall apply.".

EVALUATION OF PAIN

SEC. 5. (a) Section 223(d)(5)(A) of the Social Security Act (as amended by section 3 of this Act) is amended by inserting after the first sentence the following new sentence: "An individual's statement as to pain or other symptoms shall not alone be conclusive evidence of disability as defined in this section; there must be findings, established by medically acceptable clinical or laboratory diagnostic techniques, which demonstrate the pain or other symptoms alleged and which, when considered with all evidence required to be furnished under this paragraph (including statements of the individual and his treating physician as to the intensity and persistence of such pain or other symptoms which may reasonably be accepted as consistent with the findings), would lead to a conclusion that the individual is under a disability.".

(b)(1) The Secretary of Health and Human Services shall, in conjunction with the National Academy of Sciences, conduct a study of the issues concerning—

(A) the use of subjective evidence of pain, including statements of the individual alleging such pain as to the intensity and persistence of such pain and corroborating evidence provided by treating physicians, family, neighbors, or behavioral indicia, in determining under section 221 or title XVI of the Social Security Act whether an individual is under a disability, and

(B) methods of preventing, reducing, or coping with pain.

(2) The Secretary shall submit the results of the study under paragraph (1), together with any recommendations, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than April 1, 1985.

UNIFORM STANDARDS FOR DISABILITY DETERMINATIONS

SEC. 6. (a) Section 221 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(j)(1) The Secretary shall establish by regulation uniform standards which shall be applied at all levels of determination, review, and adjudication in determining whether individuals are under disabilities as defined in section 216(i) or 223(d).

"(2) Regulations promulgated under paragraph (1) shall be subject to the rulemaking procedures established under section 553 of title 5, United States Code.".

(b) Section 1614(a)(3)(C) of such Act (as added by section 4 of this Act) is amended by striking out "section 221(d)(5)" and inserting in lieu thereof "sections 221(d)(5) and 221(j)".

MULTIPLE IMPAIRMENTS

SEC. 7. (a)(1) Section 223 (d)(2) of the Social Security Act is amended by adding at the end thereof the following new subparagraph:

"(C) In determining whether an individual's physical or mental impairment or impairments are of such severity that he or she is unable to engage in substantial gainful activity, the Secretary shall consider the combined effect of all of the individual's impairments without regard to whether any such impairment, if considered separately, would be of such severity.".

(2) The third sentence of section 216(i)(1) of such Act is amended by inserting "(2)(C)," after "(2)(A),".

(b) Section 1614(a)(3)(G) of such Act (as amended by section 6 of this Act) is amended by striking out "and 221 (j)" and inserting in lieu thereof ", 221(j), and 223(d)(2)(C)".

(c) The amendments made by this section shall apply to determinations made on or after January 1, 1985.

MORATORIUM ON MENTAL IMPAIRMENT REVIEWS

SEC. 8. (a) The Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary") shall revise the criteria embodied under the category "Mental Disorders" in the "Listing of Impairments" in effect on the date of the enactment of this Act under appendix 1 to subpart P of part 404 of title 20 of the Code of Federal Regulations. The revised criteria and listings, alone and in combination with assessments of the residual functional capacity of the individuals involved, shall be designed to realistically evaluate the ability of a mentally impaired individual to engage in substantial gainful activity in a competitive workplace environment. Regulations es-

tablishing such revised criteria and listings shall be published no later than nine months after the date of the enactment of this Act.

(b) The Secretary shall make the revisions pursuant to subsection (a) in consultation with the Advisory Council on the Medical Aspects of Disability (established by section 9 of this Act), and shall take the advice and recommendations of such Council fully into account in making such revisions.

(c)(1) Until such time as revised criteria have been established by regulation in accordance with subsection (a), no continuing eligibility review shall be carried out under section 221(i) of the Social Security Act, or under the corresponding requirements established for disability determinations and reviews under title XVI of such Act, with respect to any individual previously determined to be under a disability by reason of a mental impairment, if—

(A) no initial decision on such review has been rendered with respect to such individual prior to the date of the enactment of this Act, or

(B) an initial decision on such review was rendered with respect to such individual prior to the date of the enactment of this Act but a timely appeal from such decision was filed or was pending on or after June 7, 1983.

For purposes of this paragraph and subsection (d)(1) the term "continuing eligibility review", when used to refer to a review of a previous determination of disability, includes any reconsideration of or hearing on the initial decision rendered in such review as well as such initial decision itself, and any review by the Appeals Council of the hearing decision.

(2) Paragraph (1) shall not apply in any case where the Secretary determines that fraud was involved in the prior determination, or where an individual (other than an individual eligible to receive benefits under section 1619 of the Social Security Act) is determined by the Secretary to be engaged in substantial gainful activity.

(d)(1) Any initial determination that an individual is not under a disability by reason of a mental impairment and any determination that an individual is not under a disability by reason of a mental impairment in a reconsideration of or hearing on an initial disability determination, made or held under title II or XVI of the Social Security Act after the date of the enactment of this Act and prior to the date on which revised criteria are established by regulation in accordance with subsection (a), and any determination that an individual is not under a disability by reason of a mental impairment made under or in accordance with title II or XVI of such Act in a reconsideration of, hearing on, or judicial review of a decision rendered in any continuing eligibility review to which subsection (c)(1) applies, shall be redetermined by the Secretary as soon as feasible after the date on which such criteria are so established, applying such revised criteria.

(2) In the case of a redetermination under paragraph (1) of a prior action which found that an individual was not under a disability, if such individual is found on redetermination to be under a disability, such redetermination shall be applied as though it had been made at the time of such prior action.

(3) Any individual with a mental impairment who was found to be not disabled pursuant to an initial disability determination or a continuing eligibility review between March 1, 1981, and the date of the enactment of this Act, and who reapplies for benefits under title II or XVI of the Social Security Act, may be determined to be under a disability during the period considered in the most recent prior determination. Any reapplication under this paragraph must be filed within one year after the date of the enactment of this Act, and benefits payable as a result of the preceding sentence shall be paid only on the basis of the reapplication.

ADVISORY COUNCIL ON MEDICAL ASPECTS OF DISABILITY

SEC. 9. (a) There is hereby established in the Department of Health and Human Services an Advisory Council on the Medical Aspects of Disability (hereafter in this section referred to as the "Council").

(b)(1) The Council shall consist of—

(A) 10 members appointed by the Secretary of Health and Human Services (without regard to the requirements of the Federal Advisory Committee Act) within 60 days after the date of the enactment of this Act from among independent medical and vocational experts, including at least one psychiatrist, one rehabilitation psychologist, and one medical social worker; and

(B) the Commissioner of Social Security ex officio.

The Secretary shall from time to time appoint one of the members to serve as Chairman. The Council shall meet as often as the Secretary deems necessary, but not less often than twice each year.

(2) Members of the Council appointed under paragraph (1)(A) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. Such members, while attending meetings or conferences thereof or otherwise serving on the business of the Council, shall be paid at rates fixed by the Secretary, but not exceeding $100 for each day, including traveltime, during which they are engaged in the actual performance of duties vested in the Council; and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(3) The Council may engage such technical assistance from individuals skilled in medical and other aspects of disability as may be necessary to carry out its functions. The Secretary shall make available to the Council such secretarial, clerical, and other assistance and any pertinent data prepared by the Department of Health and Human Services as the Council may require to carry out its functions.

(c) It shall be the function of the Council to provide advice and recommendations to the Secretary of Health and Human Services on disability standards, policies, and procedures under titles II and XVI of the Social Security Act, including advice and recommendations with respect to—

(1) the revisions to be made by the Secretary, under section 8(a) of this Act, in the criteria embodied under the category "Mental Disorders" in the "Listing of Impairments"; and

(2) the question of requiring, in cases involving impairments other than mental impairments, that the medical portion of each case review (as well as any applicable assessment of residual functional capacity) be completed by an appropriate medical specialist employed by the State agency before any determination can be made with respect to the impairment involved.

(d)(1) The Council shall also have the following functions and responsibilities with respect to work evaluations in the case of applicants for and recipients of benefits based on disability under title XVI:

(A) a consideration of alternative approaches to work evaluation in the case of applicants for benefits based on disability under title XVI and recipients of such benefits undergoing reviews of their cases, including immediate referral of any such applicant or recipient to a vocational rehabilitation agency for services at the same time he or she is referred to the appropriate State agency for a disability determination;

(B) an examination of the feasibility and appropriateness of providing work evaluation stipends for applicants for and recipients of benefits based on disability under title XVI in cases where extended work evaluation is needed prior to the final determination of their eligibility for such benefits or for further rehabilitation and related services;

(C) a review of the standards, policies, and procedures which are applied or used by the Secretary of Health and Human Services with respect to work evaluations, in order to determine whether such standards, policies, and procedures will provide appropriate screening criteria for work evaluation referrals in the case of applicants for and recipients of benefits based on disability under title XVI; and

(D) an examination of possible criteria for assessing the probability that an applicant for or recipient of benefits based on disability under title XVI will benefit from rehabilitation services, taking into consideration not only whether the individual involved will be able after rehabilitation to engage in substantial gainful activity but also whether rehabilitation services can resonably be expected to improve the individual's functioning so that he or she will be able to live independently or work in a sheltered environment.

(2) For purposes of this subsection, "work evaluation" includes (with respect to any individual) a determination of—

(A) such individual's skills,

(B) the work activities or types of work activity for which such individual's skills are insufficient or inadequate,

(C) the work activities or types of work activity for which such individual might potentially be trained or rehabilitated,

(D) the length of time for which such individual is capable of sustaining work (including, in the case of the mentally impaired, the ability to cope with the stress of competitive work), and

(E) any modifications which may be necessary, in work activities for which such individual might be trained or rehabilitated, in order to enable him or her to perform such activities.

(e) Whenever the Council deems it necessary or desirable to obtain assistance in order to perform its functions under this section, the Council may—

(1) call together larger groups of experts, including representatives of appropriate professional and consumer organizations, in order to obtain a broad expression of views on the issues involved; and

(2) establish temporary short-term task forces of experts to consider and comment upon specialized issues.

(f)(1) Any advice and recommendations provided by the Council to the Secretary of Health and Human Services shall be includ-

ed in the ensuing annual report made by the Secretary to Congress under section 704 of the Social Security Act.

(2) Section 704 of the Social Security Act is amended by inserting after the first sentence the following new sentence: "Each such report shall contain a comprehensive description of the current status of the disability insurance program under title II and the program of benefits for the blind and disabled under title XVI (including, in the case of the reports made in 1984, 1985, and 1986, any advice and recommendations provided to the Secretary by the Advisory Council on the Medical Aspects of Disability, with respect to disability standards, policies, and procedures, during the preceding year).".

(g) The Council shall cease to exist at the close of December 31, 1986.

SSI BENEFITS FOR INDIVIDUALS WHO PERFORM SUBSTANTIAL GAINFUL ACTIVITY DESPITE SEVERE MEDICAL IMPAIRMENT

SEC. 10. (a) Section 201(d) of the Social Security Disability Amendments of 1980 is amended by striking out "shall remain in effect only for a period of three years after such effective date" and inserting in lieu thereof "shall remain in effect only through June 30, 1987".

(b) Section 1619 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(c) The Secretary of Health and Human Services and the Secretary of Education shall jointly develop and disseminate information, and establish training programs for staff personnel, with respect to the potential availability of benefits and services for disabled individuals under the provisions of this section. The Secretary of Health and Human Services shall provide such information to individuals who are applicants for and recipients of benefits based on disability under this title and shall conduct such programs for the staffs of the District offices of the Social Security Administration. The Secretary of Education shall conduct such programs for the staffs of the State Vocational Rehabilitation agencies, and in cooperation with such agencies shall also provide such information to other appropriate individuals and to public and private organizations and agencies which are concerned with rehabilitation and social services or which represent the disabled.".

PAYMENT OF COSTS OF REHABILITATION SERVICES

SEC. 11. (a) The first sentence of section 222(d)(1) of the Social Security Act is amended—

(1) by striking out "into substantial gainful activity"; and

(2) by striking out "which result in their performance of substantial gainful activity which lists for a continuous period of nine months" and inserting in lieu thereof the following: "(i) in cases where the furnishing of such services results in the performance by such individuals of substantial gainful activity for a continuous period of nine months, (ii) in cases where such individuals receive benefits as a result of section 225(b) (except that no reimbursement under this paragraph shall be made for services to any individual receiving such benefits for any period after the close of such individual's ninth consecutive month of substantial gainful activity or the close of the month in which his or her entitlement to such benefits ceases, whichever first occurs), and (iii) in cases where such individuals, without good cause, refuse to accept vocational rehabilitation services or fail to cooperate to such a degree that they preclude their successful rehabilitation".

(b) The second sentence of section 222(d)(1) of such Act is amended by inserting after "substantial gainful activity" the following: ", the determination that an individual, without good cause, refused to accept vocational rehabilitation services or failed to cooperate to such a degree that he precluded his successful rehabilitation,".

(c) The first sentence of section 1615(d) of such Act is amended by striking out "if such services result in their performance of substantial gainful activity which lasts for a continuous period of nine months" and inserting in lieu thereof the following: "(1) in cases where the furnishing of such services results in the performance by such individuals of substantial gainful activity for continuous periods of nine months, (2) in cases where such individuals are determined to be no longer entitled to benefits under this title because the physical or mental impairments on which the benefits are based have ceased, do not exist, or are not disabling (and no reimbursement under this subsection shall be made for services furnished to any individual receiving such benefits for any period after the close of such individual's ninth consecutive month of substantial gainful activity or the close of the month with which his or her entitlement to such benefits ceases, whichever first occurs), and (3) in cases where such individuals, without good cause, refuse to accept vocational rehabilitation services or fail to cooperate to such a degree that they preclude their successful rehabilitation".

(d) The amendments made by this section shall apply with respect to individuals who receive benefits as a result of section 225(b) of the Social Security Act (or who are determined to be no longer entitled to benefits under title XVI of such Act because the physical or mental impairments on which the benefits are based have ceased, do not exist, or are not disabling), or who refuse to accept rehabilitation services or fail to cooperate in an approved vocational rehabilitation program, in or after the first month following the month in which this Act is enacted.

QUALIFICATIONS OF MEDICAL PROFESSIONALS EVALUATING MENTAL INPAIRMENTS

SEC. 12. (a) Section 221 of the Social Security Act is amended by inserting after subsection (g) the following new subsection:

"(h) A determination under subsection (a), (c), (g), or (i) that an individual is not under a disability by reason of a mental impairment shall be made only if, before its issuance by the State (or the Secretary), a qualified psychiatrist or psychologist who is employed by the State agency or the Secretary (or whose services are contracted for by the State agency or the Secretary) has completed the medical portion of the case review, including any applicable residual functional capacity assessment.".

(b) Section 1614 (a)(3)(G) of such Act (as amended by section 7 of this Act) is amended by inserting "221(h)," before "221(j)".

RESPONSE BY SECRETARY TO COURT DECISIONS

SEC. 13. (a) In the case of any decision rendered by a United States Court of Appeals which—

(1) involves an interpretation of the Social Security Act or any regulation issued thereunder;

(2) involves a case to which the Department of Health and Human Services or any officer or employee thereof is a party; and

(3) requires that such department or officer or employee thereof, apply or carry out any provision, procedure, or policy under such Act with respect to any individual or circumstance in a manner which varies from the manner in which such provision, procedure, or policy is generally applied or carried out.

the Secretary shall, within 60 days after the issuance of such decision on the last day available for filling an appeal, whichever is later, send to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, and publish in the Federal Register, a statement of the Secretary's decision to acquiesce or not acquiesce in such court decision, and the specific facts and reasons in support of the Secretary's decision. Nothing in this section shall be interpreted as sanctioning any decision of the Secretary not to acquiesce in the decision of a United States Court of Appeals.

CONTINUATION OF BENEFITS DURING APPEAL

SEC. 14. (a)(1) Section 223(g)(1) of the Social Security Act is amended—

(A) in the matter following subparagraph (C), by striking out "and the payment of any other benefits under this Act based on such individual's wages and self-employment income (including benefits under title XVIII)," and inserting in lieu thereof ", the payment of any other benefits under this title based on such individual's wages and self-employment income, the payment of mother's or father's insurance benefits to such individual's mother or father based on the disability of such individual as a child who has attained age 16, and the payment of benefits under title XVIII based on such individual's disability,"; and

(B) in clause (iii) by striking out "June 1984" and inserting in lieu thereof "January 1987".

(2) Section 223(g)(3)(B) of such Act is amended by striking out "December 7, 1983" and inserting in lieu thereof "June 1, 1986".

(b) Section 1631(a) of such Act is amended by adding at the end thereof the following new paragraph:

"(7)(A) In any case where—

"(i) an individual is a recipient of benefits based on disability or blindness under this title,

"(ii) the physical or mental impairment on the basis of which such benefits are payable is found to have ceased, not to have existed, or to no longer be disabling, and as a consequence such individual is determined not to be entitled to such benefits, and

"(iii) a timely request for review or for a hearing is pending with respect to the determination that he is not so entitled,

such individual may elect (in such manner and form and within such time as the Secretary shall by regulations prescribe) to have the payment of such benefits continued for an additional period beginning with the first month beginning after the date of the enactment of this paragraph for which (under such determination) such benefits are no longer otherwise payable, and ending with the earlier of (I) the month preceding the month in which a decision is made after such a hearing, (II) the month preceding the month in which no such request for review or a hearing is pending, or (III) January 1987.

"(B) (i) If an individual elects to have the payment of his benefits continued for an additional period under subparagraph (A), and the final decision of the Secretary affirms the determination that he is not entitled to

such benefits, any benefits paid under this title pursuant to such election (for months in such additional period) shall be considered overpayments for all purposes of this title, except as otherwise provided in clause (ii).

"(ii) If the Secretary determines that the individual's appeal of his termination of benefits was made in good faith, all of the benefits paid pursuant to such individual's election under subparagraph (A) shall be subject to waiver consideration under the provisions of subsection (b)(1).

"(C) The provisions of subparagraphs (A) and (B) shall apply with respect to determinations (that individuals are not entitled to benefits) which are made—

"(i) on or after the date of the enactment of this paragraph, or prior to such date but only on the basis of a timely request for review or for a hearing, and

"(ii) prior to June 1, 1986.".

PERSONAL APPEARANCE DEMONSTRATION PROJECTS

SEC. 15. The Secretary of Health and Human Services shall, as soon as practicable after the date of the enactment of this Act, implement demonstration projects in which a personal appearance prior to a determination of ineligibility for persons reviewed under section 221 (i) of the Social Security Act is substituted for the face to face evidentiary hearing required by section 205 (b) (2) of such Act. Such demonstration projects shall be conducted in not fewer than five States, and shall also include disability determinations with respect to individuals reviewed under title XVI of such Act. The Secretary shall report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate concerning such demonstration projects, together with any recommendations, not later than April 1, 1985.

FREQUENCY OF CONTINUING ELIGIBILITY REVIEWS

SEC. 16. The Secretary of Health and Human Services shall promulgate regulations, within 90 days after the date of the enactment of this Act, which establish the standards to be used by the Secretary in determining the frequency of reviews under section 221(i) of the Social Security Act. Such regulations shall be subject to public notice and comment under section 553 of title 5, United States Code, prior to being issued as final regulations. Until such regulations have been issued as final regulations, no individual may be reviewed more than once under section 221(i) of the Social Security Act.

SECRETARIAL REVIEW OF ALJ DETERMINATIONS

SEC. 17. Section 304(g) of the Social Security Disability Amendments of 1980 is repealed.

EFFECTIVE DATE

SEC. 18. Except as otherwise provided in this Act, the amendments made by this Act shall only apply with respect to cases involving disability determinations pending in the Department of Health and Human Services or in court on the date of the enactment of this Act, or initiated on or after such date.

VOLUNTARY SCHOOL PRAYER

WEICKER AMENDMENT NO. 2787

Mr. WEICKER proposed an amendment intended to be proposed by him to the joint resolution (S.J. Res. 73) proposing an amendment to the Constitution of the United States relating to voluntary school prayer; as follows:

In lieu of the language proposed to be inserted by the pending amendment, insert the following:

"Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in group prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools.".

MATHIAS AMENDMENT NO. 2788

Mr. MATHIAS proposed an amendment to the joint resolution Senate Joint Resolution 73, supra; as follows:

In the language proposed to be inserted, strike all after the word "Nothing" and insert the following:

"in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in group prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools.".

WEICKER AMENDMENT NO. 2789

Mr. WEICKER submitted an amendment intended to be proposed by him to the joint resolution Senate Joint Resolution 73, supra; as follows:

In the language proposed to be stricken by the pending amendment, strike all after the word "Nothing" and insert the following:

"in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in group prayer. Neither the United States nor any State shall compose the words of any prayer to be said in public schools.".

MATHIAS AMENDMENT NO. 2790

Mr. MATHIAS proposed an amendment to the joint resolution Senate Joint Resolution 73, supra; as follows:

In the pending amendment, between the words "any" and "prayer", insert the word "group".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 14, to receive testimony on Soviet noncompliance of the arms-control commitment.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEA POWER AND FORCE PROJECTION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Sea Power and Force Projection, of the Committee on Armed Services, be authorized to meet during the session of the Senate on Wednesday, March 14, at 2:30 p.m., to receive testimony on U.S. naval strategy in review of the fiscal year 1985 Department of Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, March 14, to mark up the deficit reduction package.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, March 14, in order to receive testimony concerning S. 40, Small Business Motor Fuel Marketer Preservation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Thursday, March 14, in order to meet with the National Small Business Advisory Council.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SBA'S 503 PROGRAM IN TENNESSEE: A GROWING SUCCESS STORY

Mr. SASSER. Mr. President, I would like to bring to the attention of my colleagues a proven success story in the State of Tennessee, the Small Business Administration's certified development company loan program, or as it is commonly known, the 503 program. The 503 program is designed to provide long-term financing to small business concerns through cooperation between SBA and private sector corporations chartered for the purpose of promoting economic growth in a specific area.

In Tennessee, there are presently five companies taking part in this most worthwhile program. These five companies service 66 counties across the State. In addition, plans have been submitted for chartering another 503 company to service those west Tennessee counties presently not covered by the existing corporations.

A recent article in Appalachia magazine highlighted the activities of the areawide development corporation operating in east Tennessee. Formed under the auspices of the East Tennes-

see Development District, the areawide development corporation (ADC) has gone far in meeting the 503 program's objective of spurring the growth of small firms.

The areawide development corporation, which serves 16 east Tennessee counties, was the first 503 company in Tennessee to be certified by the Small Business Administration. The Appalachia article notes that ADC has contracted for six projects totaling over $6 million which have resulted in 196 new jobs due to business expansion. The article goes on to note that five more projects have been approved by ADC and are under consideration by the SBA. It is anticipated that these projects will generate an additional 100 jobs in the area. SBA offices in Nashville have indicated to my staff that two of these projects have already been approved by SBA.

The story of the areawide development corporation highlights the success which can be achieved under the 503 program. It is clear that the 503 program is helping retain and create jobs across Tennessee. What is even more incredible, given the current state of budgetary affairs, is that this is being done at a cost below what, SBA originally projected for the 503 program. Under the program's guidelines, one job is supposed to be generated for every $15,000 of SBA involvement. SBA officials indicate, however, that they are producing nearly twice as many jobs under the 503 program in Tennessee; 503 projects in Tennessee are generating one job for every $8,000 of SBA involvement. That is the type of efficiency we need more of, Mr. President.

The Appalachia article not only highlights the good work of the ADC, it presents an excellent overview of how the 503 program works and why it is so attractive to the small business financial community. Anyone who reads the testimonials of the business people who have received loans under this program will be impressed with the impact it is having.

In closing, I commend the efforts of the areawide development corporation and look forward to continued growth in the future. I recommend that my colleagues read the following article on this case study of a Government program that works. Mr. President, I ask that Anne Newman's article on the 503 program in east Tennessee be printed in the RECORD.

The article follows:

RIGHT ON THE MONEY: TENNESSEE LDD PUTS LOAN PROGRAM TO USE

(By Anne Newman)

Henry Lee Johnson has been cutting marble out of Tennessee's Cumberland Mountains since 1938. A friendly, outgoing fellow, Johnson practices a craft as rare as his untainted Appalachian speech.

"A lot of sculpture people come here from Baltimore, New York, Philly, Illinois, all over," Johnson said proudly, pointing to huge slabs of highly coveted black marble lying catawampus against each other at the Imperial Black Marble Company near Thorn Hill, Tennessee. These days, aided by a $140,000 financing package jointly backed by the Knoxville-based marble company, a local bank and the Small Business Administation, Johnson and his marblecutting buddies can do more business than ever before.

The loan was used to buy a huge, diamond-tooth gang saw and to build a shiny blue prefabricated shed to house the giant machine. The saw, gleaming in contrast to the unpolished marble blocks, cuts 38 slabs of marble at a rate of three vertical inches an hour. Those blocks used to be the company's final product. But now, with a demand for the black marble in such overseas markets as Saudi Arabia, the company can provide finished slabs more to the liking of oilrich sheiks in search of decorative marble for their palatial homes.

SBA 503 PROGRAM

The expansion of the Imperial Black Marble Company is a story that is being duplicated across the 16 counties of the East Tennessee Development District (ETDD) as a result of a joint private/public loan program (see map on page 29). Other small businesses surrounding the Knoxville area are expanding with help from similar financing packages arranged through the Areawide Development Corporation, a government-certified loan corporation formed by ETDD. In picturesque Dandridge, 50 more workers have joined the 3D Manufacturing Company, Inc., where they produce 3,000 to 4,000 pieces a day of soft luggage destined for high-priced department stores up and down the East Coast. Up near Clinton, tracks are in place for a huge overhead crane that is expected to help quadruple sales by 1987 for the locally based United Steel Service Corporation. And in Knoxville, a butcher now makes his early morning rounds to a new walk-in storage facility to cut fresh meat daily for the rapidly expanding Cooper Cellar restaurant chain.

Those diverse businesses all have one important financial underpinning in common financing through the Small Business Administration's certified development company program. Created by Congress in 1980, the program is designed to spur the growth of small and medium-sized businesses by filling a gap in traditional business financing. Most commercial banks predominantly lend money for short to medium terms of five to ten years. Most savings and loan institutions are required to be primarily residential lenders. And the majority of insurance companies and pension funds favor projects costing more than $1 million. Consequently, small businesses in need of long-term financing for commercial and industrial property—particularly businesses in distressed areas—have had a hard row to hoe.

Enter the SBA's "503 program," so called because it was created by Section 503 of the Small Business Investment Act. The program allows private lenders to make loans of up to 25 years to small businesses with less risk because up to 40 percent of a necessary loan can be provided by the SBA. The SBA loans are based on second-mortgage financing obtained through the sale, handled solely by the SBA, of debentures backed 100 percent by the Government. They are made at a fixed rate based on the bond market and determined periodically by the U.S. Treasury. That rate typically is lower than the prime interest rate by as much as two percentage points.

Through local, regional or statewide certified development corporations approved by the SBA to administer the loans, the government can lend up to $500,000 for a project and up to 40 percent of the cost of a project. For instance, a $1-million financing package could be funded with $500,000 from a private lending institution. $400,000 from SBA-backed bonds and a minimum of $100,000 from the business seeking the loan. The program is limited to profit-making companies with net worths of no more than $6 million and with net profits after taxes averaging less than $2 million during the previous two years.

"The whole thrust of the program is the retention of jobs and the creation of jobs," explained Jefferson City banker William I. Powell. Powell, president of First People's Bank of Jefferson County, serves on the board of the Areawide Development Corporation. The ADC, as it is known in the local development world lexicon, was the first 503 development corporation in Tennessee to be certified by the SBA and has been in business since December 1981. So far, the SBA has approved seven financing packages cleared through the ADC, representing at total of nearly $6 million in total capital investment and creating 196 jobs as a result of business expansions. The ADC recently approved five more packages that could create another 100 jobs if they win final SBA approval.

Powell said he thinks that organizations like the ADC can make a crucial difference to local economies still hurting from the recession—rural areas like Jefferson County, which lost 600 jobs when a major industry closed up shop and moved its operations to Mexico. "It's a real shot in the arm to small areas like this that are really starving for industry," Powell said.

ETDD'S DEVELOPMENT CORPORATION

If the loan program is the good news, then Don Woods is the traveling salesman who's been covering the 16-country development district trying to convice both bankers and businessmen to take advantage of the long-term financing opportunity. Woods, formerly the ETDD fiscal officer, works full time now for the development corporation in his effort to put together successful financing packages and eventually make the ADC self-sustaining.

Congress provided a mechanism for certified development companies to become independent, self-sustaining corporations by allowing them to retain an "initiation fee" and a monthly service fee based on each SBA-backed loan they successfully close. The initiation fee equals 1½ percent of the SBA portion of each total investment package, and monthly service fees amount to one-half of one percent per year of the outstanding debenture.

Woods explained that the initial cost of the project construction or expansion comes entirely from the lending institution and the loan recipient. Only after the project is completed is the SBA loan made available to repay the lending institution. At that time, the ADC gets the initiation fee and begins to collect the monthly servicing fee. If all twelve of the loans approved by the ADC are approved by the SBA and all the projects are successfully completed, then the ADC is due about $45,000 in initiation fees, plus monthly servicing fees, Woods estimated. The development corporation predicts that it could have a fiscal year 1984 income of $30,000 to $40,000 solely from initiation and servicing fees. But it's a slow

process. At the moment, only one ADC loan has been finalized, bringing in a $3,200 initiation fee. But the staff is optimistic and expects about half a dozen loans to close within the next several months.

Woods is a trained accountant and takes a conservative approach toward business ventures. The 503 program, he said, "is an excellent concept. It helps local banks service local customers with loans they normally can't make."

Powell, chairman of the ADC's loan review committee, agreed. "It particularly helps small banks like us. We've always been hesitant to get into any long-term financing. We don't feel we've got the assets to tie up for 20 years or more. And interest rates have been so volatile, we don't feel that we've got the expertise to predict what they're going to do over the long run."

The 503 program, guaranteeing up to 50 percent of a financing package, "take a big whack at the problem," Powell explained. Small banks can much more easily afford to put up 50 percent of a loan, rather than 80 or 90 percent, as required under an older SBA program.

Additionally the 503 program does not dictate the terms of the private loans allowing banks to finance their portion of the package at fluctuating interest rates and to collect 1½ percent servicing fees on their loans.

Powell added that if a prospective loan is too big for a small bank to handle alone, then under the 503 program the smaller bank can go ahead and make the full home but sell part of it "upstream" to a large bank while still retaining the servicing fee. "Most of these larger banks are begging for a good loan," he said. "A 50 percent loan with a first mortgage on everything? In any economy, it's good."

A PUBLIC/PRIVATE PARTNERSHIP

The program is particularly attractive because the certified development companies—not the banks—are responsible for all the paperwork required by the government. "That's such a big load off us," Powell noted, "In a small bank, we just don't have the expertise and people to put together a sophisticated package. Don and his people really help—that's a big selling point."

The certified development companies are also responsible for continued monitoring of repayments.

Powell and Woods are proud that the ADC's review standards for loan applications have been so strict that none of the packages approved by the corporation has been turned down by the SBA. But despite their success, the program has not caught on as quickly as they had hoped. With initial funding from Appalachian Regional Commission and Economic Development Administration planning grants, the corporation aimed for $50,000 in start-up contributions from area banks for its first year's budget. It received only $25,000. "Small banks are very conservative," Powell explained. "They almost have a mentality of 'we never try anything first.'"

The ADC also has to fight the stigma traditionally attached by conservative bankers to government programs, according to Powell. "People are afraid the government will always be looking over your shoulder. But it's not true. As long as you have people who repay their loans, you don't have to worry."

Powell remains a believer in the program and thinks that area bankers will catch on to it. "I'm going to make sure they do," he added mischievously. "I'd encourage my competitors to use it. If they don't, I'm going to whip 'em!"

Allen Neel, ETDD executive director, is also a big fan of the 503 loan program. "Personally, I'm very high on it because it's more of a hands-on approach to economic development," he said. "We were accustomed to doing plans and studies. This is a more direct approach."

Neel said the program has given the development district more credibility with the Knoxville-area private sector, particularly the banks. "We've got something to put on the table. We've got a financial resource that we can offer. When you have something to offer, people listen." The business community and the banks are also pleased that the program creates jobs, he noted.

Neel called the ADC "a public/private partnership in the truest sense." The nine-member corporation board consists of representatives from the public and private sector, with no more than five of any group serving as a majority. The majority alternates each year, as do the officers of the group.

The 1983 ADC president is Dwight Kessel, the top elected official of Knox County, home of Knoxville. County Executive Kessel has learned about public/private partnerships through long experience as a private businessman in an area dominated by the Tennessee Valley Authority and the Department of Energy's Oak Ridge nuclear weapons plant. Kessel gave a favorable nod to the 503 loan program. "It certainly provides a mechanism for expansion," he said. "And it fills in the financing gap" between projects costing very little and projects of up to $1 million. "The program provides some leverage that's not otherwise in the system," he said.

But the best testimonials come from the businessmen who got those badly needed shots in the arm with loans obtained through the program. In each of four cases, the SBA-backed loan meant the difference between growth and no growth.

3D MANUFACTURING COMPANY, INC., DANDRIDGE

Makers of LeSportsac, a New York-based top-of-the-line brand of soft luggage, the 3D Manufacturing Company, Inc., in Dandridge was the ADC's first loan recipient. With a total investment package of $532,000, the company was able to buy a manufacturing building and an office building that it formerly was leasing and to purchase a new automated material handling system that streamlined production. Consequently, the company added 50 permanent jobs to its work force of 175.

The loan package consisted of a $236,000 SBA-backed loan from the ABC, a 15-year second mortgage with an 11 percent fixed interest rate. William Powell's bank put up 50 percent of the package, and the business put up 10 percent of the package.

"If we'd had to put up any more, it would have been tough for us," explained Dale Dennis, the young president of the company. "With any growing company, cash flow is always tough." Dennis explained that the company has always had a good relationship with Powell's bank. "But when it came to those kinds of sums, our local bank wasn't able to handle it alone."

Dennis liked the fact that the banks have to put up a large enough chunk of money that their decision to back a loan carries considerable weight. "The SBA doesn't know 3D from Adam," he noted. "But what I like about this is that the bank participates to such a degree that people will think you're worth the risk." Dennis also liked the fact that a company isn't prevented from returning to the ADC for a second loan. That gives a business a strong incentive to establish a good loan history with the ADC, he noted.

MID-CITY TOOL MANUFACTURING, OAK RIDGE

Gene Autrey Pack runs a high-quality tool-and-die shop in the shadow of a government nuclear weapons facility. Pack and his three employees, crowded into cramped but spotless quarters that used to be the Oak Ridge bus garage, make highly specialized machine parts for familiar government contractors such as Union Carbide and Western Electric.

Pack plans to employ a total of ten workers when he moves his operations into a new and spacious building at an Oak Ridge industrial park. The best conventional loan he could get from a local bank to build new facilities required him to put 35 percent of the costs down at a 13½ percent interest rate for a maximum 15-year term. Pack couldn't do it. But with help from Woods and his staff, he got a $150,000 investment package, including a $70,000, 25-year loan at a fixed interest rate from ADC; so his business can expand and flourish in the new facility.

COPPER CELLAR RESTAURANTS, KNOXVILLE

Knoxville, home of the 1982 World's Fair and the University of Tennessee, is also host to an aggressive young restaurant chain. An enterprising UT student opened his first Copper Cellar restaurant in 1974, featuring prime rib and fresh seafood. The business is now looking forward to the opening of its fourth restaurant and has branched into the catering profession.

The trick to the restaurant's success has been the fresh seafoods flown in daily and fresh meats butchered daily for its patrons. But storage of those foods was a challenge. "We used to have these little mini-storehouses all over town. It was absurd," recalled Tom Maynard, treasurer of the chain.

With a $500,000 financing package, the Copper Cellar now has a newly completed central commissary, complete with a huge walk-in freezer and computers to streamline billings and inventories. Very early every morning, a butcher comes to the commissary to prepare that day's beef. "The secret to the success of our prime rib is that we have a fresh product, butchered at our commissary," Maynard explained.

UNITED STEEL SERVICE CORPORATION, ANDERSON COUNTY

The first office of the United Steel Service Corporation was a pop-up camper parked at one end of a battered 7,500-square-foot warehouse just spitting distance from the winter storage headquarters of Holiday on Ice, sandwiched in an old compound of warehouses in Knox County. But United Steel plans to move shortly into a new 42,000-square-foot warehouse 30 miles away in Clinton, where they expect that sophisticated new equipment will help quadruple their sales by 1987.

Niles Larson and Bob Brelsford, both former employees of Bethlehem Steel, followed a classic entrepreneurial path in their rise from a three-man outfit to a company with 22 workers bulging out of its outdated facilities.

"This has been a blast!" Larson said, joking as he moved boxes and invited visitors to sit in any available space in the company's tattered headquarters. "It's been a great maternity ward for a new company." Coils of steel lie packed in an adjacent shed supported by rough-cut timber posts. United

Steel slits the coil to make steel parts such as desk tops, tubing and metal drawer slides. One old forklift unloads a truckload of coil in an hour.

Despite the cramped space and inefficient machinery, the company's sales jumped from $1.1 million in its first year of operations to $4 million a year by March 1983. "By 1987, we can reasonably expect to be in the range of $25 million annually in sales." Larson said. Key to that projected growth is the $1.2-million loan awarded to the program by the ADC. The loan is paying for construction of the new warehouse in Clinton, the purchase of 6½ acres of land with the option to buy another 7 acres, and the purchase of a 25-ton overhead crane that will unload a truckload of steel in ten minutes. The company now processes 1,250 tons of steel a month. With the new equipment and facilities, it expects to produce 4,000 tons a month.

"We couldn't have done it without the 503 program," Larson said. "Our only alternative would have been to stay here and face limited growth." Larson and Brelsford were unable to find a buyer for industrial revenue bonds when they first searched for financing during the heart of the recession in the steel industry. And they couldn't afford a conventional loan and front 25 percent of the costs. "It became affordable for us to go 10 percent," according to Larson. "The program is great! We don't know anything bad about it."

REVOLVING LOAN FUND MAKES MORE EXPANSIONS FEASIBLE

The ADC just got another major boost to its campaign to promote economic development in the area through loan financing assistance. After three years of dogged pursuit on the part of the ETDD board of directors, the area's congressional delegation and other influential citizens, ETDD was notified September 30 that it was awarded a $562,500 grant from the Economic Development Administration (EDA) to start a $750,000 revolving loan fund.

In announcing the grant award, Mayor Byron Hale of Clinton, chairman of ETDD's board, said: "The revolving loan fund will be able to provide a lower interest rate loan and consider new business ideas, all of which will augment the present ADC/SBA loan program by filling gaps in small business-private sector financing. We have great hopes that this program will provide the area will increase economic expansion and growth."

EDA allows development districts to set their own conditions on the loan funds. Neel predicted the district would set the interest rate at a level below the prime rate but lend the money for shorter periods, such as five years, than under the 503 program. "We'll go below the prime in order to provide whatever it takes to make a deal," he said. "But we're not going to give money away." The fund will be administered by the ADC, with Woods, as ETDD's loan officer, in charge of the program.

Use of the fund will be targeted toward the expansion of existing small industry in the area and the location of new, small industrial operations. Businesses that borrow from the fund will simply pay their loans right back into it, creating a permanent loan pool. The ADC can charge administrative costs on the interest earned from the pool to help defray administrative expenses.

Combined with the 503 program, which is gaining steadily in recognition and acceptance, the revolving loan fund adds to ETDD's enhanced credibility within the local business and financial communities. Neel said, "It gives us something to offer that's very tangible, that helps us create jobs. We've been trying to move the agency in the last four or five years toward more economic development and more public/private partnerships. This gets us one step closer."●

A PERMANENT U.S. SPACE STATION

● Mr. GORTON. Mr. President, the Congress has been presented with the administration's plan to develop a permanently manned space station, an initiative that holds great promise for advancing our Nation's scientific understanding and technological capabilities. The American Space Foundation has prepared an issue brief that endorses this permanently manned U.S. space station. This issue brief thoroughly summarizes the potential benefits and considerations of developing a permanently manned space station.

I commend this issue brief to the attention of my colleagues and ask that the full text be inserted in the RECORD.

The brief follows:

ISSUE BRIEF NO. 1: A PERMANENT U.S. SPACE STATION

INTRODUCTION

In his State of the Union Address on January 25, 1984, President Reagan called for the development of a permanent manned U.S. space station. The American Space Foundation, a 20,000-member pro-space lobby, applauds this bold proposal and supports its immediate implementation. In this issue brief, we will outline the compelling arguments in favor of a permanent U.S. presence in space.

EXECUTIVE SUMMARY

The establishment of a manned space station is vital to restoring U.S. preeminence in space. It would advance our nation economically, strategically, and scientifically, and it would place us firmly in a position of world leadership.

A permanent U.S. space station would be fully compatible with our present Space Transportation System, the space shuttle, and it would represent a quantum leap in our capability to expand our frontiers beyond the confines of Planet Earth.

BACKGROUND

The U.S. made a good start towards the concept of a permanent manned U.S. space station with Skylab in 1973. The three Skylab missions produced preliminary insights into space science and commercialization. Unfortunately, funding was cut off, and Skylab was allowed to crash in 1979.

While America's space program was largely in limbo during the 1970's, the Soviet Union was pressing ahead with their Salyut space station program. The Soviets have launched different models of the Salyut since 1971, the most recent being Salyut 7 on April 9, 1982.

During this period, Soviet cosmonauts have shattered all U.S. duration records in space, and they have surpassed us in space biology and medicine. This is not surprising, since Soviet cosmonauts have logged three times as many crew-hours in space as the U.S.

The U.S.S.R. is not stopping with Salyut 7. They have stated repeatedly their intention of attaining a permanent human presence in space. Western sources believe this capability is close at hand; for example, it is known that the Soviets have tested a one-ton prototype of a 10–20 ton heavy-lift space plane. The estimated payload capacity of such a vehicle would be twice that of the U.S. space shuttle. With this space plane, the Soviets will be able to launch a new generation of space stations, giving them a clear and decisive edge over American space efforts.

PRACTICAL BENEFITS OF A SPACE STATION

A permanent U.S. space station would create new jobs and wealth in the short term, and it would affirm our commitment to high technology over the long term.

—Our national space effort creates capital investment and utilizes our vast scientific and technological potential.

—Space spending has immediate tangible benefits. According to a 1976 Chase Econometrics Study, for every billion dollars spent on space: the GNP increases by $23 billion, 800,000 jobs are created, there is a 43 percent rate of return, and there is a 3–4 times "multiplier effect" to our national economy.

(Source: *The High Road* by Ben Bova, 1983)

A space station is imperative if we are to keep our economy competitive in world markets.

—Our computer, aerospace and electronics industries would be stimulated by a space station effort, increasing their competitiveness at home and abroad.

—A whole new arena for free enterprise would be opened up; as President Reagan said of space industrialization, "The world is going to see what entrepreneurial genius is all about." (*Aviation Week*, October 24, 1983)

—Many firms such as Fairchild, Johnson & Johnson and McDonnell Douglas are already looking into commercialization of space and the economic potential of a space station.

—The unique environment of space cannot be reproduced adequately or cheaply enough on Earth and sustained commercial ventures would require a permanent space station.

For example, James T. Rose of McDonnell Douglas has done experiments with manufacturing in space. "Rose has shown that he can extract a body hormone 400 to 800 times more efficiently in space than on Earth. The advantage of a space station would be that instead of flying six to eight missions to gain the amount needed, the space station would allow continuous manufacture in weightless space." (*The Washington Post*, January 18, 1984)

COST CONSIDERATIONS

The development of a space station is in keeping with federal fiscal responsibility.

—In the words of President Reagan, "When the figures are put together, we are not only getting our money's worth, our commitment to space has been one of the best investments we have ever made as a nation." (*Aviation Week*, October 23, 1983)

—As a percentage of the budget, NASA spending fell over the past decade and remains below 1 percent.

SCIENTIFIC CONSIDERATIONS

A space station would be a logical extension of U.S. space policy; it would also provide a tremendous growth in technological capability.

—Since shuttle flights are of such short duration and certain activities in space simply cannot be done on earth, a space station is necessary to provide adequate resources to do research.

—The future industrialization, exploration and development of space are dependent on an American space station, which could be "a science laboratory, astronomical observatory, space manufacturing center, servicing facility for spacecraft and an assembly site for larger orbiting structures." (The Washington Post, January 18, 1984)

—The future exploration of the solar system, missions to Mars, mining of the moon and asteroids, and development of space colonies or future ventures will depend upon an initial space station "base camp" orbiting in space.

CONCLUSION

It is clear that a permanent U.S. space station would provide significant scientific, commercial and strategic benefits to our nation. When the potential advantages are considered, the relatively modest cost represents a wise investment in our nation's future.

In forming a national space policy, the U.S. has two choices:

1. We can delay implementing the space station proposal while the Soviet Union steps up efforts to utilize existing Salyut stations to deploy a permanent manned space station.

2. On the other hand, the U.S. can be the front-runner in the race for a permanent human presence in space, thereby reaping the benefits.

This issue brief was prepared with the assistance of interns Donald J. Carney and Steven M. Wolfe.

For more information, contact Fred Whiting, Executive Director, American Space Foundation, Suite 420, 214 Massachusetts Avenue, Washington, D.C. 20002; phone (202) 546-4474.●

APRIL FOOL FOR THE BIG BANKS

● Mr. EAST. Mr. President, columnist Patrick Buchanan expresses the sentiments of most Americans in his column today in the Washington Times. The big New York City banks are using the taxpayers' money to protect their profits on foolish loans to foreign nations. The next time that the International Monetary Fund comes to Congress for money, I hope my colleagues will join me in voting "no."

I ask that "April Fool for the Big Banks" be printed in the RECORD.

The article follows:

APRIL FOOL FOR THE BIG BANKS

(By Patrick Buchanan)

As predicted, sooner than expected the Debt Bomb has been rediscovered, ticking away beneath the Big Banks.

Last year, some of us warned that the Bank Bailout—the $8.4 billion Congress conscripted from our savings pool to be shipped off by the International Monetary Fund to Soviet Bloc and Third World countries, to enable their bankrupt regimes to keep current on interest payments—was not only unconscionable, but unworkable. We were not resolving the debt crisis, as Treasury insisted; we were only postponing the day of reckoning.

The nation to watch is Argentina; the day to keep in mind is April 1.

With the nationalist regime of Raul Alfonsin taking over from the discredited generals, who borrowed $40 billion from the West, Buenos Aires has halted interest and principal payment on its back debt. Cash is not the problem. From the sale of grain abroad, Argentina has some $1 billion in hard currency. Indeed, the IMF is more than willing to lend additional money to keep Argentina current. Buenos Aires is balking at accepting the IMF terms, because Mr. Alfonsin does not wish to destroy his government's popularity by accepting the harsh "austerity" the IMF imposes as a condition of accepting its loans.

All Latin America is watching. If the March 31 deadline passes without payment, Manny Hanny, Chase Manhattan, Citicorp, etc., will be forced by federal bank regulations to begin telling the truth about their loan portfolios.

Interest accrued from the fourth quarter of 1983, and never paid, will have to be deducted from income in the first quarter of 1984. No further interest can be accrued on the delinquent loans. In addition, the $1.1 billion in loans, then delinquent by March 31, will have to be designated "non-performing." The process of writing them down from the illusory 100 cents on the dollar will have to begin.

If Mr. Alfonsin does not come across with the $600 million to bring Argentina less than 90 days in arrears on interest payments by March 31, some of America's Big Banks are going to take some big hits in their first-quarter reports.

At this point, it is impossible to summon up any sympathy for the bankers.

During the 1970s, when the U.S. prime rate was tripling, when the cost of mortgages for young families was doubling from 8 percent to 16 percent, these amoral international moneylenders traversed the globe, lavishing hundreds of billions in loans on some of the most odious regimes on earth.

The whole sordid tale is told, with lucidity and passion, in the forthcoming work by scholar William Quirk, *How the West Gave Its Wealth Away.*

These international bankers, he writes, "have detached themselves from the political and moral principles of their home countries and joined a new supranational class. The global elite, rootless and parasitic, finances communists and dictators alike. It financed the Oil Gouge and the Soviet military buildup."

What Mr. Quirk calls "economic treason" continues to this day.

The United States, the largest consumer and importer of oil in the world, would be the first and greatest beneficiary of a fall in the price from the OPEC benchmark of $29 a barrel. (It costs the Saudis less than a dollar to lift that barrel out of the sands of Arabia.)

Yet, as *The Wall Street Journal* reported last week, there now exists a scheme of international collusion against the American consumer, a "new alliance between OPEC and non-OPEC producers with the tacit support of many governments and financial institutions—a sort of new international understanding to substitute predictability for free market forces."

How does it work?

When OPEC countries like Ecuador, Nigeria, Indonesia, and Venezuela, or OPEC allies like Mexico, run into trouble repaying debts, the IMF rushes in with bridge loans, and the banks provide new infusions of cash. The oil-exporting countries are thus relieved of the necessity to pump and sell more oil, which might break the cartel price. When Congress voted that $8.4 billion, it voted to permit the IMF to use the savings of American citizens to sustain OPEC's swindling of American consumers.

Apparently, the enthusiasm of the Big Bankers for doing business with Stalinists is also returning. Here is Chase Manhattan Vice President Donald Green, waxing enthusiastic a week ago: "The upturn has already occurred. We'll probably see quite a year in net lending to Eastern Europe countries who survive the crunch, and to the Soviets."

While farms that have been in the family for generations are foreclosed daily across Iowa, Illinois, and Kansas, Chase Manhattan looks forward to new lending business with the Warsaw Pact. It is the David Rockefeller philosophy of banking: "In terms of straight credit risk, the presumption is that there is greater continuity of government in certain socialist states than in non-socialist states." ●

IN MEMORY OF A FRIEND

● Mr. KENNEDY. Mr. President, on this day 4 years ago, Allard K. Lowenstein died. Al was a friend of mine and a friend of my family's. With his death, we lost a good friend—but the Nation lost a great leader.

Al Lowenstein's life was proof that one person can make a difference. Whether the cause was human rights in South Africa, civil rights in Mississippi or peace in Vietnam, Al Lowenstein was a leader in the struggle. His legendary ability to inspire young people changed the course of American history—not just once, but many times. His passion for social justice was a driving, almost elemental force in his life. And his eloquence as a public advocate for the causes that he loved was unparalleled. He was, too, a stirring teacher and a brilliant tactician.

Al Lowenstein understood this country, and he loved it deeply. His political philosophy was profoundly democratic and he was, in fact, a great patriot. He placed his faith in a political system that allowed for peaceful change, and in the American people who, when challenged, would do the right thing.

We still miss Al Lowenstein. We miss the champion and the conscience that Al was for us all, but his friends also miss the midnight telephone calls, the late arrivals and the Lowenstein wit. He was always there when you needed him, but you could never predict when he would arrive.

Al's example continues to shine for us all. His leadership still calls us to the struggle for justice. His people—the kids he inspired in the 1960's and all those who were touched by him—still dream Al's dreams.

On this occasion, I request that an excerpt from Al Lowenstein's book, "Brutal Mandate" be included at this

point in the RECORD. The book is the story of Al's trip, with two friends, to South-West Africa in 1961. Their efforts to bring justice to South-West Africa over 20 years ago should inspire all of us to work harder to bring liberty to the people of Namibia today.

The material follows:

BRUTAL MANDATE

It is the thesis of this book that the present state of affairs in southern Africa is as immoral as any in the world today; that the internal opposition to this state of affairs has been stalemated, and will turn in desperation to a long-range campaign of violence unless massive outside assistance is forthcoming soon; that the situation is deteriorating, not improving, and that a change of direction must be achieved quickly if there is to be any hope of avoiding the frightful consequences of a denouement by blood; that in view of these facts the situation constitutes a grave threat to the peace of the world; that united action by the international community is the last chance to bring about a peaceful and humane resolution of this situation; that such external intervention is justified morally and legally, and could in practice be successful without the use of force; that the United States must take the lead in applying outside pressures, both for the sake of their effectiveness in South Africa and for our own sake as leader of the free world; and finally, that the problem of southern Africa is building rapidly into one of the most dangerous of the crises demanding the attention of the American people.

The patience of victims of tyranny has a habit of running out without regard for the strategies of their leaders or the cluckings of sympathizers in distant places. It is running out in South Africa, where misery will soon explode. And so a macabre timetable now hovers over discussions of South Africa's future, for almost everyone accepts, in theory if not in implication, the inevitability of an "explosion" of some sort.

If the explosion is violent it will be because the world outside, and especially the United States, permitted nonviolence to fail. If it is anti-West it will be because the present government has sustained itself by courtesy of the West. If it is anti-white it will be because white men failed for so many long years to oppose convincingly that which is antiblack. As things are going now it is likely to be all three. And we shall have only ourselves to thank if we have done nothing until it is too late to do anything but count corpses and court hostile fanatics.

Americans turned to violence to gain independence after other means of redress had failed. It should come as no surprise if South Africans are beginning to plan for revolution against a far more opprobrious government. Nelson Mandela, the chief organizer of the May 31st protest, told the South African press early in June: "If peaceful protests like these are to be put down by mobilization of the army and the police, then the people might be forced to use other methods of struggle."

The behavior of the outside world seems designed to encourage recourse to other methods, for apparently only the shedding of blood stirs much interest, whether in Angola, the Congo, Cuba, Vietnam, or South Africa. And the central fact about South Africa has become that every day finds non-Europeans more determined to begin fundamental changes right away, and more convinced that the old methods will not bring such changes.

Although everyone speculates about how soon violence will come to South Africa, what is really meant is how extensive unplanned African violence will become and how soon planned African violence will begin. For it is plain that violence itself came years ago, when outbursting non-European throngs and nervous European policemen began their fateful interplay. Blood has been shed, and more blood will be shed, at protest meetings and in spontaneous rioting. Protest meetings are no longer to be permitted, but spontaneous riots do not depend on permits and may in fact be said to flourish when the permits required for other forms of expression are denied.

What blood has been shed so far in South Africa has resulted more from circumstance than from design; and very little of it has been the blood of Europeans. This situation too is due to change. No non-European politician, however militant, welcomes the prospect of an extended campaign of violence; the contending forces are too unequal, the inevitable damage too great. But now hope for freedom is focused on the outside world, and indifference there to nonviolence at home has become a powerful incentive to violence: surely someone will have to step in if civil war starts. And if no one should do so, such a war revives at least a distant hope, for in the long run—much longer than Kenya, or even than Algeria—there simply are not enough white men to prevail over black men at the foot of the black man's continent.

Thus is coming now to the most peaceful of Africans the turmoil of reexamining old commitments and of acquiring new and distasteful skills. The soul-searching will take time, longer for some men than for others. So will the new kinds of training, and the formulation of new plans. But these things are now in progress, and the dwindling interval of this transition is the last chance to avoid a blood bath that could become one of history's most dangerous and least necessary catastrophes.

Planned violence will start with modest projects involving industrial sabotage. Soon terrorists will strike at isolated white farmers reputed to have mistreated African labor. Once such things are underway in earnest, they can hardly fail to multiply themselves in succeeding horrors. The reaction of Afrikaner Nationalists leaves little to the imagination, and to meet this reaction each of several embittered groups would set out to prove itself the toughest and most ruthless opponent of white supremacy. Most liberal Europeans will long since have fled (the exodus has already begun); and among non-Europeans "moderation" will soon seem disloyalty: the more bloodthirsty the leader, the more trustworthy his leadership. Communists, black racists, religious fanatics and political opportunists, gangsters, and countless individuals angling for power or glory will vie for control of an increasingly ugly and chaotic situation. These are not circumstances in which the voice of reason or the scruples of the democratic conscience are likely to prevail.

Nor is it whistling up fantasies to anticipate such a sequence of events, for even now South Africa is leapfrogging into mayhem. At least two secret organizations committed to the violent overthrow of the government have been put into operation, as has the government's program to tighten its noose around its opponent's necks. Soon the total authority over black men possessed by the President of the Republic as "Supreme Chief" of all Africans is likely to encompass all non-Africans as well, and anyone who has gained the disfavor of the Minister of Justice will need a permit if he wishes to sleep at a house not his own. What retaliation will such regulations evoke from men already turned to violence? And how long can so unequal a struggle go on before outside help is solicited?

Independent African states might be the first to send help. But inevitably one group or another will seek assistance from Russia and China. It would be foolish to suppose that "volunteers" as well as equipment will not be made available that propitious moments; just as it would be foolish to suppose that the spirit of Mau Mau and of Lidice could be prevented from engulfing South Africa in twins floods of atrocities such as distinguish wars of revenge.

There are many in the West who would insist in such a situation that the way to head off communism in southern Africa (and to save the white race) is to intervene on the side of whatever coalition the white rulers are able to put together. Considerations of morality quite apart, it must be clear that the choosing of sides along such lines could hardly hurt the world communist movement, even if fighting were to be localized; if it were not localized, the survival of the planet itself could be imperiled. It should be noted in this connection that the South African Government has announced that it is now able to develop its own nuclear weapons.

The prospect of rival outside interventions fanning a race war in Africa is a dismal one, but it is hard to conceive of any united procedure the international community could agree to follow once matters have been allowed to degenerate to this point. It may be a mystery why the Western democracies have done so little to avoid such a situation; there can be no mystery why some other powers which denounce "racism" and "imperialism" do not seem very disturbed at the prospect of international inaction continued for several years more.

Thus more than moral indignation impels the urgent pleas for immediate steps by the United Nations to bring the present régime to its knees. For what happens now in South Africa is up to the outside world. There are risks to doing anything; there is a greater risk to doing nothing.

More accurately, in this situation to do nothing is tantamount to doing a great deal. Not to boycott is to trade; not to withhold recognition of all-white groups is to buoy such groups with the international status that means so much to people fearing isolation. (Is there any excuse in this day and age for allowing teams based on racial exclusions to compete in the Olympics?) Every new investment of outside capital, every renewed failure to help those who would change South Africa's direction, is ipso facto an intervention against change.

Since a major purpose of planned African violence will be to arouse outside assistance, such assistance made available immediately and in adequate measure might avert such tactics. But there is much to do and very little time in which to do it.

The democratic opposition must be supplied with financial and moral support commensurate with the scope of its task, and organizations abroad which support this opposition—the Africa Bureau and Christian Action in England, the American Committee on Africa and Episcopal Churchmen for South Africa in the United States, for exam-

ple—should be given greatly increased support. A counterpart of Radio Free Europe should be beamed at southern Africa. A nonracial university should be established, preferably in one of the Protectorates, where facilities would be available to train substantial numbers of non-Europeans in the professions and for public service.

Most important, the international community must exert the kinds of pressures, including sanctions and boycotts, that would quarantine South Africa; for the value of outside assistance will be minimal unless it induces the sort of fundamental reassessment by Europeans without which there can be no voluntary change in South Africa's course. Even the Progressives, who decry "meddling" for the benefit of the white electorate, know that without the prospect of increasing meddling their support would shrivel overnight.

If such a reassessment can be brought about without civil war, a nonracial democracy might yet emerge in which the fundamental liberties and legitimate interests of all men could be protected. Many men in many places would be eager to underwrite such protection. On the other hand an interregnum of civil war would have to end, when finally it did end, with the victorious race too bloody, and too inured to bloodshed, to worry very much about the abstract rights of its own people, much less those of a hated, dying foe.

The Afrikaner Nationalist has grown used to justifying his conduct as essential to self-preservation. It may not be too late to transform his great drive to preserve himself into an ally of the effort to arouse his conscience to the rights of other groups with drives and needs not so different from his own.

There are those who deny in the name of realism that nonviolent pressures, whether internal or external (or both), could produce such an about-face, let alone bring down so well armed and ruthless a government. Nor is it certain that they could. It is, however, certain that they have yet to be tried, and that nonviolence in South Africa is foredoomed without massive support from abroad.

In any case, to refuse to support nonviolence on the theory that it cannot succeed is simply to guarantee its failure. To refuse such support and offer no other is to suggest to the dominant group that the status quo can go on forever, if only it will hold to defiant postures; and is, at any rate, to invite those who are kept down to turn to other weapons. How long can the outside world insist that South Africans must be nonviolent at the same time that it excuses itself from supporting nonviolence on the grounds that it is futile against the South African government?

If peaceful measures fail it will be time enough to consider more drastic steps. But is it not in the best interests of the United States and of the U.N., as well as of South Africa, to do everything possible to try first to resolve the mess in southern Africa with a minimum of violence?

It is time we tried to understand the bitterness of people held in bondage on our side of the iron curtain in deference to the "practical considerations" of the cold war. It is small consolation to those people to hear that because of the urgent communist threat the miseries of South Africans or Angolans are of secondary importance, for we need the help of their oppressors in a greater struggle. South Africa is not of secondary importance to the South Africans; nor is it to a vast community of non-Americans around the world who measure the sincerity of our preachments by our performance at home and in other places where support of liberty may not always seem to coincide with our own immediate convenience. Conceivably the demands of defending America's freedom require that some others live in servitude; but if this be the case we should at least have the grace not to lecture such victims of our needs about their indebtedness to the "Free World."

Democracy's strength is that to her, decency is universal. Her concern must be about the rights of all people. But even if we ignore ethics and discount public opinion as a force in world affairs, we had better weigh carefully the military and sociological fact that to support any tyrant is to court the hatred of the people whom he is oppressing. If the right to use certain facilities as military bases is important to the security of the United States, it seems foolish to bank on keeping these rights by supporting governments whose days are numbered, when the price of so doing is to alienate the people who will be making the decisions about such matters in the long run.

Nor does it follow that people whom we have helped to freedom would be likely to return the favor by refusing to cooperate against newly-recognized threats to their freedom. But when we support noncommunist tyrannies in the name of defending the "Free World," we define the issue in a way that must encourage the oppressed to throw in their lot with the most powerful visible alternative to this kind of "Free World." How many times must we spawn Batistas before we realize that Batistas inevitably spawn Castros?

There is another aspect to the fear about what might replace the present régime in South Africa. This aspect is not directly political, for it grows out of the racial nature of oppression in South Africa; but it has melancholy political implications for the United States. Its roots are in the lingering double standard that has given America a shoddy record in race relations at home and has encouraged the suspicion that we are less concerned about the sufferings of nonwhite people than we are about the sufferings of people who are white.

This double standard is so subtly a part of many of our attitudes that often it is as unnoticed as it is ingrained. It insinuates itself into discussions about South Africa when one white man asks another if he doesn't understand "as a white man" how terrible it would be to be ruled by blacks; and into discussions about Africa when someone asks if Africans are "ready" to govern themselves—as if you or I, or in any case someone not an African, has somehow acquired the right to make such decisions for Africans.

It is present when we decide that our slogans about "majority rule" do not really apply where a persumptuous non-white majority is not content with whatever beneficences a generous white minority may decide to extend. Actually, the silent thought goes, white civilization is superior, and is it wise or fair to allow a superior civilization to be overrun by an inferior one simply because of a slogan about numbers?

It told us that outvoted white women rioted in New Orleans to keep four six-year-old Negro girls from attending school because old traditions die slowly, and democracy works through the minds and hearts of the people. And it told us that voteless Africans rioted in Nyasaland to protest their inclusion in a Federation run by white men because Africans are still savages and not fit for self-government.

The same kind of double standard permeates our view of history too. Warring tribes of Europeans have decimated each other down through the centuries, but tribal fighting in Somalia or chaos in the Congo is sufficient excuse to debate the right of Africans to govern themselves. It took a millennium to entrench civil liberties in England—to say nothing of Russia or Spain—but let there be a wave of arrests in her first decade and men question whether Ghana should have been given her independence—as if it were moral or practical in this day and age for anyone to decide if and when he will "give" such things to other human beings.

This does not mean that tribal wars or arbitrary arrests should be condoned in black Africa any more than anywhere else. Nor does it mean that nothing can be done by the outside world to help guide new nations over hurdles. What it does mean is that the inevitability of serious problems provides no excuse for extending the period of foreign domination over the objections of the indigenous populations. Even now it is being said that since South West Africans are not "ready" for self-government white control would have to be extended even if there were not the interests of the European community to consider. By such logic South Africa's failure to provide a college education for any of her wards in her forty years in South West Africa becomes good reason to invite her to stay on for forty years more.

No one maintains that black men are saints. The point is just the opposite: that they are in fact very human. If they were less human they would perhaps have learned more from the debauchery and slaughter that have marked the tedious progression of Europe through the centuries, and, having learned more, could avoid more of the hideous miseries that such a progression—even telescoped—will bring to their own continent.

But the strong subconscious predisposition in the white world to view nonwhites as a sort of minority in worth, whose very numbers seem to contribute to the lessening of the value of the individual, gouges ancient scars and fogs up communication to everyone's disadvantage. The recent historical experience of the white man as ruler of the earth is deep in his psyche. And for all his talk about emerging continents and human equality, his stance too often is still that of the inheritor of the earth, now more or less willing to share some of what is his with lesser peoples. Must he also accept rule by such peoples? Is it not clear that whites are simply never ruled by blacks?

The white man who says of Africa. "This is my home too; I have a right to live here," speaks as it is now the fashion to do. He leaves unuttered what is in any case understood: that the "right" of which he speaks is to live there as top dog. But by what code does anyone have a racial right to be top dog anywhere in the world today? If it be by some code of superior force, does that not invite, and justify, the mustering of a new superior force to dislodge the old whenever possible?

The plain fact is that South Africa is not a white man's country; even less so is South West Africa, where settlers arrived late and stayed on in the guise of the black man's protectors. Sooner or later these facts are going to be ratified, at the polls or on the barricades.

But neither need these places be black man's country if white and black, and those who are neither white nor black, could decide that this was to be the country of all

who are willing to live there in equality. And it is also a fact that it is the white man, not the black, who is blocking such a solution, who will not countenance the type of safeguards of individual rights that could be his protection in time to come, were he to need them than as the black man needs them now.

It would be wonderful if a formula could be found by which everyone, regardless of race, could live wherever he wished. But such a formula for Africa can hardly be based on the premise that the white man must run the show, or even that he should have half the legislative seats for one one-hundredth of the population. White men so convinced of their superiority that they would find it unacceptable to live in equality with blacks—to accept the likelihood of a black majority electing a black prime minister, and all the rest of it—should move to a place where a white majority would not present such problems. They may have to accept a far lower standard of living without black labor to draw on, but prejudice can cost, like other luxuries.

Even those Europeans willing, and able in practice, to accept equality as the price for staying in Africa are heirs to the sins of their forebears, and more than likely of their own past. And it may not always be easy to persuade those who have been treated as not quite human that when the pendulum swings they should accord their erstwhile masters the benefit of the doubt about sudden espousals of equality. It is almost beyond belief that there will not be a period of unleashed unreason when the change comes, for it is not the general experience in human affairs that victims of the past can act as if it had never occurred.

If white men in southern Africa understand what it is to say that Africa is their home too, they should long since have turned their energies to minimizing the arduousness of the change in the relationship between the races. There is nothing inherently correct about an African's perspective on history or current affairs or anything else, but if men of widely diverging perspectives are to live together amicably they had best realize quickly just how different their perspectives have come to be. Once this has been done, it may be possible to adjust and then to find understanding.

When Americans bother to think of slavery at all, they think of something Lincoln abolished in 1863. When Africans think of slavery, they are more likely to think of something Western civilization practiced for centuries before that—and still practices, or at any rate condones with slight aesthetic modifications, at the foot of Africa itself, today. It is irrelevant that blacks have also practiced slavery—irrevelant not because it is not true, not because it is not as terrible done by blacks as by whites; but irrelevant because it is in no way material to the issue of continuing white dominion over blacks.

Similarly, the magnificent contributions that white men have made to Africa over the centuries will not be preserved by ignoring the toll these same white men have exacted from the land and its people. Most of these contributions were as freighted with greed as they were coated in pious mouthings about higher duties. And if it is senseless for white men to be overwhelmed by feelings of guilt, it is no less senseless for them to act as if the black man's preoccupation with ending white domination is irrational ingratitude.

Men of good will of all races will always work for a world free of race hate and of all other hate. They will pray that the nonwhite majority now coming into its due will react to responsibility with less avarice and more charity than did its predecessors; and will oppose tyranny by men of any color over men of any color. But one hardly makes a promising start toward such goals by first renewing fealty to the primacy of one's skin over one's humanity. How can one go on practicing white racialism even as one goes on insisting that the black man's attitude must be nonracial in return?

Thus, one can demand assurances of future international protection for the rights of white minorities, but such demands would carry more conviction if they were accompanied by as zealous a championing of current rights for nonwhites. And one can hope that when black voters are in the majority they will use all available talent in choosing their governments; but it would be folly not to recognize that after 173 years the white majority in the United States has still to use any of its available nonwhite talent in the national Cabinet. It is hard to picture the American electorate voting a black man into the White House, or a reasonable proportion of black men into the national Congress; and one should not be surprised if similar shortcomings mar the voting habits of people with less experience at self-government that we have had.

There are places where time soothes—where the passing of time is in fact the only real hope for peace. But this is not so in South Africa, where the African has less voice than he had a century ago and where the white man has less inclination to listen to what the African wants to say.

In South Africa time is now an abrasive, a countdown, a dead end. However her problems may finally be resolved, South Africa will need generations for soothing and healing; but before this process can start, time must become the ally of goodwill and rational behavior. There are no quick solutions for South Africa. There are only things that might make slow solutions possible.

The General Assembly of the United Nations has now formally called on its member nations—by a vote of 97 to 2 with 1 abstention—to take "separate and collective action" to bring about the abandonment of South Africa's race policies. It should be clear that such action cannot come too soon.

But is it odd how great the gap between words and deeds seems to be when it comes to acting on the basis of one's own prognoses. Or perhaps the gap is between the saying of something and the believing of it; so that men can issue the direst of predictions and undertake only the most piddling of preventives, as if they did not believe their own prophecies and only wish to be numbered among those who will be able to say "I told you so" if the worst should come to pass. Thus foresight is wasted and unnecessary calamities take place as predicted.

It is a commonplace in South Africa and among those who follow her affairs elsewhere to say that time is running out, to warn against the carnage just ahead, and then to pass on to other matters. In this way even now the urgency is being sapped from the desperate appeals that are reaching the outside world; and farsighted men find their determination to act against South Africa before it is too late diluted by secret hopes that their own predictions will turn out to be wrong.

But if time is running out for South Africa, so is it also running out for America in South Africa. For the machine guns and horsewhips of Sharpeville and Cape Town are no farther from America's jugular than are the jungles of Laos, the firing squads of Havana, or the bridge at Andau.

There was a time not very long ago when the word "America" sang out hope and generosity and compassion, as indeed it still does where the contrast is at hand between American drift and Soviet despotism. But to much of the globe Soviet despotism is still only an American accusation, to be weighted against observed American performance and untested Soviet promises, and against the immediate impact of each on pressing local miseries.

How are men to judge this performance if we go on, in Michael Scott's memorable phrase, "condemning tyranny in one part of the world and condoning it on specious procedural grounds in another"? Or if, in swift succession, we find occassion to lecture Angolans against the use of violence; to oppose U.N. resolutions calling for "consideration" of sanctions (i.e., the only nonviolence that might work) against South Africa; and to organize and underwrite an invasion of Cuba? And if Castro in two years had provoked us sufficiently to warrant an announcement after the invasion that our "patience" is not "inexhaustible," is it unreasonable for many to find a suggestive contrast between this announcement and the fact that several centuries of oppression in southern Africa appear to have fatigued this "patience" hardly at all?

It is tragic, and may yet be tragedy triplicated, that so often this kind of American performance leaves an open field to communist promises. Tragedy first for the people whose agony is extended by our confusion and myopia. Tragedy next for Americans who are inviting a debacle that will not spare them because they were ignorant of its causes and unaware of its dimensions. Tragedy, finally, for the whole human race, including those who turned against us when we left them nowhere else to turn, if our failures enable the communists to capture the world. For then no men, not those suffered in southern Africa nor those who caused the suffering nor any others, will know either peace or freedom.

So it may be said that the fate of continents and coalitions, and perhaps of generations, hangs in the balance in southern Africa; and the consciences of great nations sleep now at their own peril.

I have puzzled over it and am not sure I can explain, even to myself, the deep and unsettling affection I have come to have for South Africa. Someone from Mississippi might understand this sort of affection—someone from Mississippi who deplores the social system that produced him but who loves Mississippi for all his disapproval of her habits of life. But then that would be loving one's home, as one so often loves members of one's family whose behavior one does not condone.

Something of my feeling for South Africa surely comes of her natural charms, but I have been to other places with climate and scenery as admirable and have escaped uncaptured. One loves places too for people with whom they have been shared, and what an extraordinary assortment of humanity shares southern Africa. This is the land where the traveler from Umtata to Vryheid passes through Port Shepstone and Amanzimtoti and Pietermaritzburg and Ladysmith on his way, and magic seems to inhabit even the names of the most wayward, lusterless places.

But when all these things have been added together there is yet something more that enchants the whole far beyond the sum of its parts. I suspect that what is unique about this country, what grips the emotions beyond landscapes and breezes and friendships, is the enormity of her misery.

There is much to be said of the grandeur of this wounded, crying place, of her game parks and her history, of such great opportunity buried in such great opulence; and it is right that these things should be said. But there is much that must be said too about the central, overwhelming fact of her present condition, and on balance these are the more important things to say at this time. For this is a place gnashing her teeth and weeping and bleeding and destroying herself as no other place in the world, a place of ordinary men turned heroes and of ordinary men going mad. Nowhere else on earth is the lunacy of man's abuse of himself so grotesquely underlined by visible evidence of what might otherwise be. And this tragic success in perverting so much that is so lovely and so promising into a sleepless nightmare for most of her people commands a compassion, where otherwise might abide simply admiration or envy.

Many are the visitors whom South Africa has afflicted in this same strange way. But these are usually not the visitors who skim her surface and praise her business climate and her rose gardens. For the more you love this land, the more you understand and are held by her, the more you know how harmful is this kind of praise; and those who love her best know all the worst about her, and will speak out not to praise but to protest and to sound alarms. And those who hold the power in this place, who love not South Africa but some mad dream that never was and can never be, will brand them traitors and enemies for sounding such alarms, and jail or deport or ban them. Indeed one wonders what there will be to say in time to come for these people who, when all power was theirs, used it to degrade and torment, and could find not wisdom nor love to soften arrogance.

There is so much of South Africa that I have never seen and that I yearn to see. I have been there only by winter, and then too often in haste or flight. I have missed the sea from the top of Table Mountain, and Pretoria banked in jacarandas for the spring, and the Garden Route in flower. But most of all I have missed seeing this crisp and bountiful child of Nature blessed with the concord that can be the order of human existence where so much is available to all if no one takes what should belong to others.

That is the greatest beauty of all, and that no one has yet seen in South Africa. But those who love her most will work and fight and pray that somehow this will come to pass while they are still around to glory in the wonder of it.●

OLDER AMERICANS MONTH

● Mr. D'AMATO. Mr. President, I rise today to cosponsor Senate Joint Resolution 255, which will designate the month of May 1984 as Older Americans Month. I want to commend my dear friend and colleague, Senator PAULA HAWKINS, for introducing this resolution which recognizes the importance of the elderly in our society.

The 65 years and older age group is the fastest growing segment of our population. Because of healthier living and advanced medical technology, the life expectancy of the average American is rising rapidly.

The senior citizens of this Nation have witnessed colossal changes in the 20th century. Their wealth of knowledge and wisdom should not be underrated. The older American is as important to this country as any other age group.

I am happy that the Federal Government has been responsive to the needs of the elderly. With such progress as social security, medicare, and the services provided under the Older Americans Act, senior citizens are better able to enjoy their retirement years.

But there is so much more to be done. New threats from health problems, such as Alzheimer's disease, and social problems, such as manditory retirement, must be effectively addressed. Other important issues, such as housing, transportation, income security, inflation, and crime, all of which affect the elderly more than any other age group, must also be addressed.

That is why I am, again, cosponsoring a resolution designating May as Older Americans Month. I believe if the Government and the general population become more aware of the problems that face the elderly on a daily basis then it would be easier as a nation to solve these problems.

Mr. President, I urge my colleagues to join me in cosponsoring Senate Joint Resolution 255 and I urge quick passage of this resolution.●

ECONOMIC NATIONALISM

● Mr. EAST. Mr. President, the U.S. Business and Industrial Council recently commissioned a research report on international trade. The author of this thought-provoking report is Prof. William R. Hawkins of the Economics Department of Radford University.

I ask that this report be printed in the RECORD for the benefit of my colleagues.

The report follows:

THE REVIVAL OF ECONOMIC NATIONALISM

(By William R. Hawkins, Ph. D.)

The last decade has seen the re-emergence of economic issues as a central factor in international relations. The quadrupling of oil prices by OPEC in 1973 (accompanied by an embargo by the cartel's Arab members) was followed by concern for the security of other vital imports. The Third World launched the North-South dialogue which was really a monologue demanding the transfer of wealth from the industrialized to the underdeveloped nations. Various groups sought to use economic sanctions in support of political objectives, particularly in Africa. The United States also attempted to use economic leverage and trade restrictions against the Soviet Union, but in a half-hearted and confused manner. The U.S. has been slow to adjust its thinking to this revival of political economy, even when it involved direct threats to the national interest.

James A. Nathan and James K. Oliver, both of the University of Delaware, have suggested that one reason for this inability to adapt is: largely self-imposed by a liberal internationalist elite within the industrialized world, especially in the United States, who, having been traumatized by the Vietnam experience, now seek to expiate their guilt and loss of will with a too facile submission to "new" force of interdependence.

This may explain the actions of those on the Left, but not of those on the right. Conservatives have been mesmerized by the ideology of laissez-faire according to which economics is to be separated from political considerations, even considerations related to international relations. This is most apparent in regard to the issue of America's industrial base and its decline under the pressure of foreign competition.

In 1970, the United States accounted for 30 percent of gross world product. By 1980, this had fallen to just over 20 percent. The U.S. was the only major Western industrial nation to lose market share. American economic growth not only lagged behind Japan and the aggressive states of the East Asia Rim, but also behind France, West Germany and even Italy. Between 1970 and 1980, the U.S. share of global export trade dropped from 17.3 percent to 12.9 percent. The U.S. has not been able to penetrate the growing markets of the Third World as well as other nations have done. Nor has it been able to keep other nations from penetrating its own domestic market. In 1970, the U.S. still had a $5.4 billion trade surplus, but this turned into a $37 billion trade deficit ten years later.

The trade imbalance has more than economic significance. The U.S. has run a balance of payments deficit constantly since World War II. The country needs a trade surplus to help finance other international outlays such as the overseas deployment of military forces and bases; economic and military aid to allies; the purchase of vital oil and raw materials; and the purchase of foreign investment assets by American firms. A strong export position strengthens the dollar, making cheaper those foreign goods which the U.S. must acquire (with the exception of oil which OPEC prices in dollars).

Domestically, foreign competition costs jobs. Even before the last recession, unemployment was an unusually high 7.4 percent. Throughout the 1970s, unemployment has been abnormally high, a reflection of an economic stagnation which is independent of the business cycle. Though many segments of the population have been doing well, their affluence has been transplanted into jobs and profits for foreign firms through the purchase of imports rather than being recirculated within the U.S. to employ Americans. Over 500,000 jobs have been lost in the "smokestack" industries, not counting the loss of new jobs which might have been created had these industries been expanding rather than contracting.

Traditional industries have not been the only ones hit. The U.S. has lost 60 percent of its home market for computerized machine tools and 38.7 percent of its semiconductor domestic market. To be cut out of these emerging high-technology fields is a long-term problem. Future growth in these areas will be heavily dependent on improvements and spin-offs of the new technology; in other words, on a "learning curve." To

fall behind now may be to fall behind forever.

Two approaches have been advanced to foster reindustrialization. The most direct appeal for an industrial policy has come from liberals. However, behind their calls for increased investment, research and capital formation lurks their not-so-hidden agenda for preserving the welfare state, the power of labor unions and the electorial base of the Democratic Party in the Frost Belt.

Barry Bluestone and Bennett Harrison make this explicit in "The Deindustrialization of America." They argue that "The first piece of business is to re-establish a public commitment to the maintenance (and indeed the expansion) of the social wage." By this they mean the entire structure of social programs, regulations and progressive taxes which have hampered economic growth in the past. They reject the "corporatist" approach of a government-business partnership, as practiced in Japan and elsewhere, because they fear it will weaken the labor unions.

Robert Reich, the prolific Harvard advocate of liberal policy, envisions a future where "firms will become the agents of their employees, bargaining for different packages of government-supported social services."

In the recent book "A new Social Contract," which has been endorsed by Sen. Ted Kennedy as well as by Bluestone and Reich, a trio of liberal economists and urban planners call for the government takeover of banks, insurance companies and pension systems so as to direct their capital to "unmet social needs." They want to support "labor intensive" industries rather than manufacturing or high-tech in order to provide a maximum number of jobs. They overlook the fact that income must reflect productivity. A gang of coolies with shovels may find employment, but they will add little to national wealth and earn little in the way of a living.

The problem with the liberal approach is that it is based on the wrong set of priorities. The aim is not economic growth, it is redistribution. They do not want to regenerate industry, but ease the transition to an post-industrial-society compatible with the welfare state. They do not want to work with business, but against it because of a philosophical dislike for capitalism and private enterprise.

On the right, the school known as the "supply-siders" profess an awareness of the problem. The Reagan economic program is designed to stimulate industry through individual tax cuts which are meant to provide a higher level of savings and changes in depreciation and tax credit rules to make it easier for corporations to reinvest. Unfortunately, though well motivated, this program is too general and indirect to accomplish the full supply-side objective. It is a macroeconomic program which dissipated its stength over the entire economy at a time when direct action targeted at particular, strategic industries is needed.

Investment requires two things: capital and profits. The supply-side program has concentrated on increasing the supply of capital. But for this capital to be used, firms must have a reasonable expectation of being able to sell enough goods to make the investment pay off. Markets which are threatened by strong foreign rivals entail a high risk in this regard. Firms must be given some degree of protection or other risk-reducing support or capital will flow elsewhere to other fields or even to other lands. U.S. Steel has been criticized because it invested $6.8 billion to acquire Marathon Oil instead of new steel mills. But given the low profits and the lack of a strong government policy to at least buy the industry time to reorganize in the face of growing imports, steel firms are going to find it safer to diversify out of the industry.

Conservatives have been prevented from taking more direct action in their attempt to rebuild the economy because of a too rigid and unquestioning adherence to classical economic theory. Classical economics is not identical to capitalism, property and enterprise. These elements existed well before the 19th century and were not called into existence by theorists.

The classical innovation was the market. Not the market in the sense of buying and selling, which people have been doing since the dawn of history, but the market as an abstract, independent entity which was to be the final arbitrator of human activity and to which all other concerns were to be subordinated.

It was this desire to replace traditional society and the nation with the atomistic individual and the global market which drew fire from the Right in the 19th century. However, with the rising threat of socialism, conservatives found in classical theory useful arguments against left-wing collectivism. This has blinded many conservatives to the fact that a common enemy does not mean a common view of the world.

In fact, classical and conservative views of how the world works are quite different and contradictory.

Three points of classical theory are relevant to this discussion: (1) a labor market where wages and employment fluctuate freely under competition (2) free trade under which national boundaries are to disappear and (3) consumer sovereignty by which all economics becomes demand-oriented.

1. Classical trade theory argued that competition among workers would equalize wage rates. Within nations, labor could migrate from low wage areas to high wage areas. Wages would increase in the areas where labor was leaving and decline in the areas where labor was entering as supply changed relative to demand. However, this was not expected to be the method of equalization between nations because law, family, language and distance would work against labor movements across borders. Instead, the expected process would be a movement of jobs since capital is far more mobile than is labor. Either companies would move the location of their plants from high wage to low wage areas, thus changing demand for labor and hence wages; or competition between firms would result in low wage firms expanding into markets previously served by high wage firms. Jobs would be created in the expanding firms and lost in the contracting firms.

Since the labor maket is not without friction, this process can produce extended periods of unemployment for workers in the high wage areas. This would serve to pressure workers into taking pay cuts. When this process occurs within a nation, as is happening with the shift of firms from the Frost Belt to the Sun Belt, the national economy is not threatened. Jobs stay within the country as does the production capacity of the firms. Wage differentials are lessened between regions, equaling out opportunities and eroding artificial advantages.

However, when this occurs between countries, the results have a different meaning.

Classical economists, led by David Ricardo and Thomas Malthus, postulated a grim outcome to this competition: wages in the long-run would remain at the subsistence level. With the Third World possessing an abundant labor supply, an equalization of wages on a global basis would present a frightful prospect for Americans. Though there is downward pressure on wages in the U.S., it is far more likely that high unemployment will be a primary and lasting result of unrestrained competition.

Of course, wage rates do not tell the whole story.

Those who argue that as basic American industries decline, U.S. firms can simply move to high technology products fail to realize that it is highly improbable that new methods will appear at the same rate as old methods are undercut by foreign competitors. Nor is there any guarantee that new methods will be adopted in the U.S. first. Furthermore, what advances are made can be quickly copied. Comparative advantage in manufacturing is not stable, but subject to change over time, including changes wrought by national industrial policies.

This points out another major flaw in classical trade theory. It seems to assume static relationships between nations based on "natural endowments" such as climate or raw materials. Even in its most perfect form, agriculture, this has limited validity. The "Turkey-red" strain of winter wheat so popular in Kansas was brought to the U.S. by immigrants from the Crimea. The rubber plantations of Malaysia and Indochina owe their existence to seeds brought in from Brazil, and the coffee industry which plays such an important role in Latin American economies was started by seeds transported by the Dutch from Java. People have never been content to buy from others if they could find a way to build their own profitable industries.

The same is even more true in manufacturing, which can be done nearly anywhere. It has been the aim of developing economies to move themselves up the ladder of manufacturing, from light industry to heavy industry to high-technology because each step involves an increase in value-added and thus in wealth-creation.

Given the ability and desire of nations to change their economic structure in order to gain more wealth, wage rates reassert themselves as the key factor. An example is provided by the recent decision by Atari to relocate its factories in Taiwan and Hong Kong.

High technology is not immune to the lure of cheap labor as long as the firm is free to export its products back into the market that it physically abandoned.

This is what prompted Wolfgang Hager, an economist with European Research Associates to write:

"The problem with free trade is simple. The world has an endless supply of subsistence-wage labor and we have learned how to make both basic and sophisticated goods in poor, developing countries. Without trade barriers, rich countries are bound to suck in cheap imports from low-wage countries, destroying the domestic industries that used to make those products. There will never be enough new "high-tech" jobs to employ those who lose more traditional jobs. Therefore, unrestricted trade would eventually destroy the economies of all the high-wage, developed countries."

In fact, a foreign rival with an abundant supply of cheap labor could out-compete an American firm even if the Americans had more advanced technology. Workers so dis-

placed might find employment elsewhere in the economy, but at less productive jobs. (The oft-cited case is of steel workers selling fast-food hamburgers.) But the substitution of lower order service industries for manufacturing simply because of differences in the degree of foreign competition, not only means lower wages. The lower wages represent a lower amount of national wealth generated.

2. Adam Smith authored the classic statement of the principle that economic growth is dependent on the division of labor and the scale of the market. This observation has been borne out in modern times. Studies indicate that cost of production can drop 20–30 percent with a doubling of output. The economies of mass production have built the modern world. Any long-run strategy must take this into account and aim for expansion in market share. The Japanese have been particularly adept at this. If reaching other markets is a plus, losing your own must be a minus. It seems clear that the value of large markets was known well before Smith, for Smith was not the first to oppose barriers to economic mobility within nations. The French mercantilist, Jean-Baptiste Colbert, spent most of his reformist energies trying to liberalize the internal movement of labor and goods within the realm of Louis XIV.

Smith's innovation was to extend this concept to its "logical" extreme by advocating free movement of goods between nations as well as within them, and to abandon any distinction between imports and exports. Anyone who is able to obtain economies of large scale operations by penetrating the markets of others should be free to do so regardless of nationality. In this tradition, a modern liberal economist, Harry G. Johnson has stated that "the nation-state has no economic meaning."

However, there is a need to be concerned about the distribution of industry, wealth, employment and power among national groups. This makes for a major schism between classical liberals and nationalists. In contravention to the claims of idealists, the world is likely to remain divided into competing nation-states for quite some time. Diversity fostered by history and culture is reinforced by politics and ideology. Thus the term "world market" has little more meaning than the terms "world opinion" or "world government." International trade is not harmonious, it is competitive with very high stakes.

One can accept the validity of classical principles and still wish to place prudent limits on the extent to which policies are based on them. The Founding Fathers placed the commerce clause in the Constitution to ensure an open domestic market free from barriers to internal trade which might be erected by the various States, but at the same time did not rule out national barriers to trade. Prominent advocates of national economic advancement, such as Alexander Hamilton, saw no contradiction in arguing for both internal freedom and external restrictions.

In a world of competing nation-states where power rests on economic and industrial capabilities, a full realization of a global interdependence would pose considerable vulnerabilities. No government can allow the system from which it draws its power and from which its citizens draw their livelihood to be tossed about in a global sea without a rudder. One advantage large nations have over small is the ability to diversify so that prosperity does not come to depend on the price of copper, coffee, oil or any other single commodity. Interdependence also requires a high confidence that trading relationships will continue. Since the world seems to be in another of it periodic degenerative phases, marked by a proliferation of political entities and resulting anarchy; a malaise and decadence in the most civilized nations of the West; and aggression by totalitarian states on the rise, such confidence is waning fast. This is why traditionally nations have sought to enclose an area large enough to sustain a division of labor and obtain economies of scale under a single flag.

Free traders seem quite content for the U.S. to lose a major part of its industrial base as a natural result of a new global division of labor. Various liberal advocates of industrial policy see the same end result. The liberals aim their policies at easing the social costs of the transition to a post-industrial economy. They take as their models the Europeans and Japanese who not only target industries for growth but also for death.

Paul Seabury, who specializes in national security studies at the University of California-Berkeley, has pointed out the dangers of such a stance in a recent "Journal of Contemporary Studies." He observes that "in light of the deteriorating state of its basic industries, the United States has a clear need for a coherent industrial policy." However, such a policy would have to be based on different criteria for policymaking than that used by other nations because of the special strategic needs of the U.S. as a world power.

The American industrial base constitutes the strategic core of Free World defenses. Those who, whether in the interest of free trade or a "high-tech" boom, are content to remain untroubled by the demise of U.S. basic industry would do well to remember Solon's warning to Croesus: "Sir, if any man hath better iron than you, he will be master of all this gold." To Seabury, the entire post-industrial myth presents a threat to long-term economic, political and military survival.

Free trade has always been most popular in countries which felt that it could expand by its promotion. That free trade was a way to penetrate other people's markets. Free trade was the result, not the cause, of England's prosperity. England became the home of free trade after it had emerged victorious from the mercantile wars of the 17th and 18th centuries and after it had established an early lead in the industrial revolution. For England, free trade meant cheap imports of food and raw materials to feed its industrial development and easy access to foreign markets. The real lesson of Ricardo's famous winecloth example of comparative advantage was that other nations should buy England's manufactured goods and not attempt to industrialize.

In the U.S. the "Open Door" policy was advocated at the turn of the century to gain access for American business to markets closed by colonial empires. Though given an idealistic cast, its aim was to promote American industry through exports even as that industry was protected by tariffs at home. The consensus for free trade did not manifest itself until the end of World War II when American industry comprised virtually the only intact economic base in the world. Prior to this time, there had been a long tradition of granting government aid to business which ran from the Federalists through the Whigs on to the Republicans. Historian Tom E. Terrill of the University of South Carolina has observed that during the period when the U.S. attained first rank as an industrial power:

"The GOP, which included champions of industrialization and the spiritual heirs of Hamilton and Clay among its strongest factions, naturally took up protectionism."

Unfortunately, the Republicans seem to have forgotten most of this heritage.

What nations produce is important. Few nations wish to remain non-industrial since states "condemned" by the division of labor to produce only agricultural products, raw materials or labor-intensive goods have stagnated in relative poverty and powerlessness. Every nation which has sought the mantle of Great Power status has adopted policies of economic nationalist in order to build the wealth and strategic assets needed for that role.

3. This brings up the third tenet of classical liberalism, the bias towards consumption over production. Keynesian economics has been under fire lately because of its fear of underconsumption and oversavings which spawned "demand management" policies which were detrimental to capital formation and investment. Supply-side theory has been a reaction to this. However, seeds of this problem can be found in the attitude of Adam Smith. The Wealth of Nations was an inquiry into how the amount of productive labor available to a nation might be increased. Much of the work deals with production, but behind this is Smith's belief that "the sole end and purpose of production" is consumption, from which he concluded that "the interests of the producer ought to be attended to only so far as it may be necessary for the promoting of the consumer." To Smith, the first priority was low prices. Yet, Smith knew what the larger consequences were of a decline in production, for he wrote that:

"Every increase or diminution of capital * * * naturally tends to increase or diminish the real quantity of industry, the number of productive hands, and consequently * * * the real wealth and revenue of all its inhabitants."

Elsewhere he recalled the history of what happened to the Hanseatic League once it lost its markets:

"No vestige now remains of the great wealth, said to have been possessed by the greater part of the Hans towns, except in obscure histories of the thirteenth and fourteenth centuries. It is even uncertain where some of them were situated, or to what towns in Europe the Latin names given to some of them now belong."

A grim reminder, from many that history provides, that economies can decline to the vanishing point. The problem with consumption-oriented theories is that they overlook the fact that people must first have incomes before they can buy, and incomes are earned by production.

Smith seemed to have a static view of wealth. Wealth defined merely as the stock of material goods available at any point in time. In this formulation, imports were no different than goods produced at home. Where the goods were produced was not important, as long as they were cheap. However, in a world based on nation-states, where wealth-creating assets are located becomes vital. Those who have these assets can always produce wealth which they can use for their own benefit or trade for an equivalent. Those who do not produce, are unable to provide that equivalent.

One of the most vocal critics of Smith in the 19th century was Friedrich List who published his book "The National System of Political Economy" in 1844. List was a German living in exile in America where he was an admirer of the earlier work of Hamilton. Later, his own work would inspire the industrial policy of Germany. List strongly objected to the notion that a domestic industry should be abandoned because imports were, for the moment, cheaper. "Who would be consoled," he asked, "for the loss of an arm knowing that he had nevertheless bought his shirts forty percent cheaper?"

There is more to the concern over industry than employment and wealth. National survival may depend on the amount of economic strength a nation can mobilize in a crisis. The first problem to surface and trigger debate over industrial policy was in the defense industry. It was discovered after the massive resupply of military equipment to Israel in 1973 Mideast War, that the U.S. defense industrial base did not possess sufficient "surge" capacity to replace the depleted weapons inventory in a period less than several years duration. This deficiency led to concern over other areas of heavy industry.

Even Adam Smith recognized an exception to laissez-faire when it came to defense matters. He endorsed the British Navigation Acts which subsidized British shipping and protected it from competition. Yet, Smith may not have gone far enough. Correlli Barnett in his brilliant work "The Collapse of British Power," criticizes free trade and blames it for much of England's loss of economic capability. He argues that Smith "could not foresee that national defense would come to depend not just on seaman and naval stores but on total industrial and economic capability." This was proved in the world wars and to a lesser, but still important extent in Korea and Vietnam where the needs of conflict placed a burden on the entire economic structure.

There are many people in economics, government and business who are suspicious of any intervention by the state in the market. Given the direction of government policy in the recent past, this is quite understandable. However, when the question is one of national strength or foreign competition, the state has a duty to consider the common good and to "play favorites" as between its own citizens and those of other lands. As the late G. Warren Nutter, a staunch defender of capitalism and private enterprise, put it "the state has as much right to employ trade policy as an instrument of national power as it has to employ anything else. Trade policy deserves no special immunity as long as it is a legitimate and effective means for achieving a legitimate end."

Nutter was particularly concerned with the use of trade policy by totalitarian countries against which the U.S. needed to defend itself. However, capitalist economies have also used industrial policies to promote their interests in competition with the United States. These policies have been more successful than those pursued by the socialist states of the Soviet bloc because they are still based on private enterprise and profit.

Would such policies work in the U.S.? The answer is yes. Take the shipbuilding industry as an example. In the 1960s, Japan made a determined push to dominate the market. Their production of tonnage increased eight-fold and they conquered 50 percent of the global market. This was accomplished by a Japanese version of the Navigation Act by which government, shipbuilders and trading companies cooperated to ensure that Japan's growing volume of exports would be carried in Japanese built and owned ships. In the 1970s, the world market collapsed and orders dropped by one-third. The principle victims of both the Japanese expansion and the drop in demand have been the European shipyards. The U.S. has managed to escape these adverse events and were even able to expand employment in domestic yards from 128,000 in 1968 to 184,000 in 1977.

The U.S. shipbuilding industry is considered one of the most protected industries in the world, and sports one of the largest order books in the world for commercial shipping. The government grants construction cost subsidies through the Maritime Administration based on the difference between domestic and foreign costs. Substantial support has been given for technological development. The Jones act of 1920 requires that only U.S. flag ships carry traffic between U.S. ports and this has stimulated demand for oil tankers for the Alaskan trade during a time when tanker demand worldwide is in a severe depression. This could be further strengthened if other seaborne trade with U.S. ports were required to use American ships. In addition, ships for the Navy are required to be built in U.S. shipyards. The result has been that when the Reagan Administration planned a major expansion of the Navy, the domestic shipbuilding industry had the ability to respond.

The obvious connection of shipbuilding to national security has meant that the government has been willing to spend more time, effort and money on its support (though some extreme free traders have resisted). Not all industries need or deserve this much attention. But it does show what can be accomplished when government and business work together.

Today's debate over industrial policy is being waged primarily between free traders who do not see a problem or counsel only "benign neglect" and liberal advocates of a policy which gives the wrong solution to the problem and which is inimical to capitalism. The free traders are losing, worldwide. Some three-quarters of world trade is managed by policy to some degree. Domestic content requirements and joint ventures abound. Free trade has no power to persuade either the public or national leaders. The assumptions are too unrealistic, and the failures too obvious. If the liberal program is to be avoided, an alternative must be formulated which is pragmatic and devoted to growth and production.

Such a program of economic nationalism does not conflict with existing conservative economic policy, it complements it. Tax cuts, deregulation of domestic markets, incentives for work and investment, balanced budgets, sound money and a curtailment of wasteful social spending are not only compatible with the reindustrialization effort, they are essential to its success. The goal is a larger economic base, balanced and with a strong core of heavy industry for strategic production. A base which is efficient, technically progressive and profitable. Government has a role to play in this, not as a substitute for entreprenuership, but as a guardian which assures an environment within which entreprenuership can flourish.●

CITIZENSHIP

● Mr. DODD. Mr. President, 25 centuries ago, the Athenian statesman, Pericles, summed up the qualities of citizenship which made his home unique among the governments of the world.

"Here in Athens," he said, "our citizens attend to public business as well as their own affairs. In other places, they say of a person who shows little interest in the life of his city that he lacks ambition. In Athens, we consider him useless."

Four years ago today we lost a friend, an American, a citizen of the world whose life had been dedicated to the exacting standard set by Pericles back in the fifth century B.C.

Al Lowenstein died when he was only 51. But his work for a better nation and world had already extended across five decades.

As a student in the 1940's, he helped organize the effort to integrate the University of North Carolina.

In the 1950's, he began a lifetime of dedicated work to pressure the government of South Africa to moderate its apartheid policies.

In the early 1960's, he threw himself into the struggle against America's own version of apartheid in the Deep South.

In the late 1960's, he was in the vanguard of Americans directing a strategy to remove the United States from a futile and ugly war in Southeast Asia.

In the 1970's, he inspired a new generation of students to believe in our system of government and trained them in the nuts and bolts of campaigns and elections.

In the 1980's, he was still immersed in the political process. I remember. On March 17, 1980, I was planning to open my Senate campaign headquarters in Hartford and Al Lowenstein would be arriving to help me.

Instead, I went to his funeral.

Al Lowenstein's life was the pursuit of dozens of causes, some successful, some less so, but all of them worthy, and everyone of them receiving the full measure of his boundless energy, infectious enthusiasm, and abundant talents.

Not the least of those causes was the critical importance of a respect for human rights by governments around the world. On May 19, 1977, he shared his insights on that subject before a subcommittee of the House of Representatives.

Today, almost 7 years after that appearance, exactly 4 years after his death, his words still have the ring of truth and the urgent persuasiveness they did when he first spoke them.

I hope that my colleagues will take the time, in his memory, to reread them and ask that they be printed in the RECORD.

The material follows:

HUMAN RIGHTS AND AMERICAN FOREIGN POLICY

CONGRESSIONAL TESTIMONY, MAY 19, 1977

After his return from Geneva, Lowenstein continued his diplomatic work at the U.S. Mission to the United Nations. In May, he testified in Congress on the meeting of the UN Commission on Human Rights, as well as the overall role of human rights in American foreign policy.

Mr. FRASER. Today the subcommittee [Subcommittee on International Organizations] is considering the recent session of the United Nations 33d Commission on Human Rights which was held in Geneva from February 7 through March 11, as well as other developments which have occurred subsequently.

At the Commission session, a number of issues of special concern to this subcommittee were considered, including the procedures for reviewing human rights complaints, as well as the human rights situations in southern Africa, Chile, the Soviet Union, the occupied territories in the Middle East, and Uganda. . . .

We are delighted to have as today's witness the Honorable Allard Lowenstein, U.S. Representative to the United Nations 33d Commission on Human Rights. Mr. Lowenstein served as a Member of the House with great distinction and has long been actively engaged in the defense of human rights both in this country and abroad. It was a great personal pleasure for me when I learned that Mr. Lowenstein was appointed as our representative to the Commission. . . .

Mr. LOWENSTEIN. I am grateful for the chance to appear before a subcommittee chaired by Don Fraser, who is one of the few public figures who gets better the better you know him. His presence in Congress is a national blessing, and his chairmanship of this subcommittee is proof that even the committee structure of the House of Representatives can produce dazzling results now and then. . . .

Perhaps the most useful way to proceed would be for me to begin by saying a few things about what I learned in Geneva, and to indicate some of the significant things that happened that nobody expected to happen. I think there are important lessons in our experience in Geneva that ought to be understood in shaping American policies about human rights, and in working out our attitudes toward international agencies and toward the United Nations itself.

I went to the meeting of the Human Rights Commission with a sense that I think is shared by most Americans who follow these things—the sense that it was a rather hopeless endeavor, that the Human Rights Commission was part of an international machinery that has come to be increasingly hostile to the United States and certainly increasingly irrelevant to human rights. I expected to encounter a kind of monolithic bloc structure that would keep useful discussion to a minimum and produce propaganda at escalating decibels on questions which are mostly designed to further particular ideological interests.

In short, I didn't go there with any notion that there would be much useful we could do for human rights or for specific concerns of the U.S. Government.

I was wrong about that. The results of the Geneva meeting are much less important, if you measure them by specifics, than if you measure them by what they show is possible in international meetings if we understand the complexities and are committed to a quest for ways to maximize cooperation without abandoning our basic convictions. We have tended at some points in the past to wander between withdrawal and a sort of bellicose self-righteousness. Neither of these seem to me the most useful approach.

By any objective yardstick, some useful things happened in Geneva. But much more important was the discovery that President Carter's approach to human rights, the support for that position by the Secretary of State, and the remarkable achievements of our Ambassador to the United Nations, Andrew Young, have made a different atmosphere possible. Disagreements don't disappear but they don't have to preclude finding areas of cooperation. And I must say that I found greater candor than has always been customary in trying to deal with problems which have for a long time been trapped in a quarrelsome impasse.

So my sense of Geneva, Mr. Chairman, is that it was an example in miniature, and under rather difficult circumstances, of what can be achieved in the new period now starting. It was much more hopeful than I expected. Clearly the distance covered was small compared to the distance that needs to be covered. But the fact that that kind of beginning was achieved suggests that the notion that we are unable to work effectively in international organizations for the goals that are part of our heritage and that are set out in the charter and Universal Declaration of Human Rights is not correct. Something very much more hopeful is correct, and it is up to us to use that opportunity as effectively as we can, understanding that there are risks in any human activity and that we will make mistakes as we go along.

But not to try to utilize that opportunity at all would be the greatest mistake and would, above all, increase the great risk of wasting this moment. Another such moment may not come anytime soon, and it would be a terrible mistake not to try to reverse the disintegration of the world community and the increased irrelevance of multilateral agencies to many of the problems that afflict human beings everywhere. This effort should be a high priority of any government that understands what technology has done to the world and what the pressure of injustice does to people exposed to it.

I believe that Congress and the administration can cooperate, that we have a coalition of domestic political concerns that can come together to work in unity on issues where we were divided for some years. I think basic division is no longer necessary on questions of direction and purpose.

There will always be disagreement among people who have independent judgments about tactics and degrees of activity here or there, but I think there is a chance to sculpt an approach to foreign policy that will have very broad support involving human rights as a major component. Human rights can't be the only component, of course, since other factors must affect foreign policy decisions. But the new approach can include a much greater effort in the U.N. Human Rights Commission and other international bodies, and much more effective moral leadership generally to decrease human suffering than we have provided in some years past.

Finally, let me mention how lucky I was in the quality of the people who were my associates in the U.S. delegation in Geneva. Warren Hewitt, and Lois Matteson, who is in the U.S. Mission to the United Nations; Brady Tyson, who is also serving there; and Gloria Gaston, who is in the Mission in Geneva, were all tremendously helpful, really quite wonderful people.

I think everyone in the delegation came to respect the contributions of everybody else. The total effect was greater than the sum of the individual parts.

Mr. FRASER. Well, thank you for that overview of the experience that you had. If you are willing, maybe we could sort of start with some elementary facts just to help me, because I don't remember these things very well.

The U.N. Commission of Human Rights does not include all countries. It has a limited membership. Do you remember what the size of the membership is approximately?

Mr. LOWENSTEIN. Thirty-two countries are elected from ECOSOC, the Economic and Social Council of the United Nations. The United States has just been reelected to the Human Rights Commission in the voting at ECOSOC, and we will continue to be a member of the Human Rights Commission. . . .

Mr. FRASER. Now, what happened [at the Commission meeting] with respect to Israel?

Mr. LOWENSTEIN. The first thing that happened was that an outrageous telegram was sent to Israel regarding conditions in the occupied territories, particularly in the prisons.

The text of the telegram contained assertions and conclusions that went far beyond anything that there was any evidence to support, and we opposed it in rather a novel way—we argued specific content and tried to get a debate going, instead of just reading a formal statement of protest and dissent.

We agreed that the Commission had an obligation to discuss conditions in the occupied territories, and proposed a wording for the telegram which we could have supported. Our wording was rejected, and most of the debating against the telegram as put before the Commission was left to us. Many Western European countries remained virtually silent on this question.

Now, I may sound Pollyanaish, but it is my view that had we discussed the Middle East later in the session instead of as the first item, some of the additudinal changes might have carried over even to the Middle East discussion. Be that as it may, there was a brisk debate in which we spoke as strongly as we could against the dominant view.

Despite that—I would almost say partly because of that—we were able to work quite well on other issues with some of the most militant supporters of the opposite position. I think the understanding that developed as a result of the frankness of our disagreement over the Middle East resolution was useful in developing working relationships. In fact that was my experience in general at Geneva, not just on the Israel issue.

I think being very clear about what we believed in was tactically as well as morally right. We didn't duck controversy, which I believe added to the effectiveness of the U.S. position. We weren't bellicose, but we weren't silent or supine either where fundamental principles were concerned. We were frank about the Soviet Union and ourselves, and we declined to join in the usual lockstep of routine rhetoric. I think our spontaneity helped bring some flexibility to discussions in commission sessions and to informal talks outside the sessions, some of which were at least as valuable in the effort to change the atmosphere.

So our outspokenness about the Middle East may actually have helped our efforts on other questions, in addition to being

right in principle. We made it clear to the Arab countries that we wanted to cooperate with them on other matters, and hoped they felt that way too. But such cooperation could not occur if the price were silence about matters we felt very deeply about. If the Commission were to have any utility for resolving disagreements, disagreements would have to be recognized and discussed. Otherwise, we might as well go home. In short, disagreement on some questions could not be allowed to prevent working together on others.

The same thing was true on the Soviet issue. If we had not pursued the Soviet initiative, we would never have been able to make credible our commitment to universal application of the declaration. We would have looked like we were playing games.

I think that one of the two or three most significant moments of the session occurred when we raised the Soviet issue under Agenda Item A-11, Detention and Arrest. On that occasion, at a Friday evening session, four Western European and other countries spoke out in support of what we were doing: Canada, Italy, the United Kindom, and the Federal Republic of Germany. Not a single unaligned member state supported the effort to block the discussion, which was made by Bulgaria on behalf of the Eastern European countries.

It was a moment of rather high drama when, despite the great exertions of the Soviet Ambassador, Valerian Zorin, not one unaligned member of the Human Rights Commission joined the Soviet attack on the American initiative.

That unprecedented situation had a considerable emotional impact, and meant that we would resume the discussion of possible human rights violations in the Soviet Union on Monday morning.

At that meeting we got into the question of specific arrests in the Soviet Union, including the arrests of Orloff, Ginsberg, a Baptist minister named Vins, Dr. Stern, a Jewish activist, and so on. I am convinced that those discussions on Friday night and Monday morning were essential if the atmosphere of the Commission were to be changed and if the U.S. Government's position on human rights were to be credible.

I want specifically to emphasize that point, because there are some generally sensible people who insist that pursuing this question in the Human Rights Commission is somehow counterproductive, either because it jeopardizes some larger notion of détente or, alternatively, because it shows how ineffectual discussion is. I don't think either of those things is true.

It is certainly impossible to achieve détente if the price of détente is to give the Soviet Union immunity from even talking about questions which are of great concern to a very large number of Americans, and which are legitimately a concern of the international community under the charter, the declaration, and the Helsinki Final Act.

Furthermore, I don't see how you can give immunity to the Soviet Union without throwing away a crucial ingredient in the effort to decrease human suffering in the world.

There will always be suffering of course, but to see needless suffering inflicted by governments and be silent about it seems to me unnecessary, unacceptable, and hypocritical. I think it hurts us and hurts the international machinery we talk so much about improving, and it certainly doesn't help people who look to us for moral support when they act with great courage to protest denials of basic human rights.

We tried to be balanced in discussing human rights problems, but we did not try to woo support by abandoning basic convictions. You have to make tradeoffs of course, but those should occur as part of—and not in place of—speaking out for what you believe in.

Mr. FRASER. And the resolutions on Chile—I think there were—I guess they were in the form of asking the subcommission to take action. One was to review consequences of aid to Chile; the second was to consider giving humanitarian, legal, and financial aid to those arrested or forced to leave the country.

What was the U.S. position on that? Do you recall?

Mr. LOWENSTEIN. For the first time, we cosponsored the general resolution on Chile, which was organized by Sweden. That resolution was reasonable, and if we had not cosponsored it we might have been confronted with one that would not have been acceptable to us but which would have had the support of most other delegations.

So we worked with the Swedish delegation to produce an acceptable resolution, and that resolution carried with only Uruguay voting "no."

Our dilemma on human rights issues in Latin America is complicated. Discussing these problems without Latin leadership risks reviving or strengthening anti-gringo emotions, and could produce a reaction that would not help human rights anywhere.

Just as it is clear that Uganda, for example, is dealt with more effectively if Africans take some leadership, dealing with human rights violations in Latin America requires sensitivity to regional, cultural, and historic factors. Spain and Portugal could be helpful in this regard.

None of this means that the United States should be silent about or acquiesce in human rights violations in Latin America. But we will have to accept and understand the force of regionalism at this stage in the evolution of the human rights machinery. The world is at the same point in its history, but every country is at a different point in its own history. So situations vary very greatly regionally, economically, historically. And vary enormously among countries within the same region, as well.

All these matters are complex enough that anyone who thinks the United States can—or should—do the same thing about each country or region, simply hasn't tried to figure out what is effective or reasonable.

I felt that our concern about human rights in Latin America had to be clear in Geneva, but that the extent to which we could press our views depended on finding other countries that would join in and take some leadership. That, of course, is almost a truism which would apply in every part of the world, but the situation is made difficult for us at this point in Latin America because of the spread of repressiveness there. Once you go beyond Chile, it is not easy to know what priority to set.

For these reasons, we tried to figure out a way to raise general problems of human rights violations rather than to press ahead on single country questions, and the problem of Desaparecidos seemed the most immediately important one.

People don't always want to understand or accept the fact that in the Human Rights Commission there is very little distinction between many of the positions taken by leftist oppressive governments from positions taken by rightist oppressive governments. Beyond ideology, they tend to want to protect themselves—and hence each other—from having too much done about oppression. This produces a coalition of governments that don't want to strengthen the machinery for human rights, that don't want to extend the agenda to include additional countries. Left and right oppressors tend to become allies when faced with the possibility of a spotlight being focused on oppression.

So you are walking through minefields when you try to get countries to work together. In that sense, Chile and South Africa have been helpful to the cause of human rights, because in the case of both Chile and South Africa, enough countries have supported international efforts so precedents have been established for dealing more energetically with other oppressive situations. If you have the precedent, you don't always have the votes, but you have at least a base to argue and build from. . . .

Mr. FRASER. In terms of the way our own Government is organized to address matters that come up at the U.N. commissions and our ability to be effective there, within the inherent constraints [that] exist, do you have any recommendations?

Mr. LOWENSTEIN. Yes. I am not content with the way that the human rights component works its way into foreign policy decisions. I am not even certain that the basic lessons of the Geneva meeting have been understood. One of those lessons, maybe the most important one, is that there is tremendous potential for desirable changes in the world situation at this juncture. The confluence of the remarkable personal achievements of the President and Ambassador Young with a number of other events, including the emergence of democratic governments in India, Portugal, Spain, and Greece, give the first chance in a long time to make progress toward achieving a much more satisfactory atmosphere in the United Nations. That in itself would be useful, but it would also open the door to dealing more hopefully with a lot of very difficult economic and political problems.

In short, I believe that what is called the human rights issue touches on almost everything of consequence, and that this moment in world history, if we use it wisely, could produce some valuable and long-overdue results. But that will require high-level decisions, intelligent use of personnel, and some long-range planning. We might even begin to make the United Nations function in a way that would gain back some support and respect for the United Nations among Americans who have written it off for quite understandable reasons. That could lead to greater support in Congress for funds for aid and development programs and to increasing U.S. influence within the United Nations. And that in turn, could produce more sensible actions by the United Nations. We might in this way reverse the spiral that has eroded our effectiveness in the United Nations and the United Nations' effectiveness in general. . . .

In any case, as I said before, overhauling the U.N. machinery depends on, and is less pressing than, overhauling attitudes.

Suppose, for instance, the Human Rights Commission met three times as much and all it did was to go back to discussing Israel, South Africa, and Chile. One would sit there wishing one could figure out a way to get everyone to go home.

We have to work to develop an approach that will utilize our enormous resources, private and public, to contribute to a diminution of suffering around the world. That is,

after all, what a "human rights" policy should be about, when all is said and done. Structure will follow along.

One starting point, which the President has endorsed would be to ratify the covenants. But we are not going to ratify the covenants if there isn't a major effort to explain why they should be ratified.

Some people are really concerned primarily about the so-called political and civil rights. They believe that with these rights people can get "other" rights. But in much of the world political and civil rights seem quite remote because people don't have enough to eat. Now obviously the urgency of eating does not justify torture. It does justify a great concentration of effort on obtaining and distributing food.

The position we took in Geneva is that there ought to be a prioritizing of concerns about human rights, whether they have been labeled traditionally "political and civil" or "economic and social."

Ambassador Young also talked about setting such priorities both at ECOSOC and in Guatemala City. But to implement programs dealing with some of these priorities will require much more than the rhetoric which is easier to deliver than the programs.

So just as human rights cannot be the only component in a sensible foreign policy, neither can it be limited to discussions of human rights issues which are then excluded from decisions involving economic policy and other matters affecting social justice.

Mr. FRASER. Mr. Smeeton.

Mr. SMEETON. Thank you, Mr. Chairman. I might preface my question by making an observation. I have before me a press release of the last session that lists the membership of the Commission. And I would say almost three-fourths of the members sitting on the Commission are themselves accused of violating the rights of their own citizens. For example, Uganda, the U.S.S.R., Cuba, and Uruguay are all members. That is a real political irony and helps explain why the Commission frustrated some of your efforts to push more vigorously for inquiries regarding Uganda and the Soviet Union.

Mr. LOWENSTEIN. May I expand a little on what you are saying? Your first impression when you discover that you are sitting near the Minister of Justice of Uganda and the Soviet Ambassador who was in Prague at the time of the coup—as well as other stirring defenders of human rights—is to think that now is the moment to fly to that thin red line of virtue which is somewhere about.

Perhaps it was my experience in the House of Representatives—I don't mean to make invidious comparison, but one learns in the House of Representatives that human hypocrisy is not unknown in legislative bodies—anyway, if one is to be effective in any legislative process, dwelling on the iniquities of everyone else may be less rewarding than acknowledging one's own iniquities, and then attempting to find common ground that may reach out to something decent, or at least cooperative, in everybody. That approach does not suggest that you should be naive about the hypocrisies and mixed motives that are so prominent in determining what goes on.

Of course in international bodies there are national as well as personal contradictions to take into account. I tried to take that fact into account in my first statement to the Plenary in Geneva. I said that I represented a people who had given the world one of the most electrifying battle cries for human rights in history—that all men are created equal and are endowed by their Creator with certain inalienable rights, among which are life, liberty, and the pursuit of happiness; and I observed that we had given the world this battle cry for liberty at a time when we had slavery. That is a part of our history, I said, which, like the history of every country is a mixture of glories and tragedies. I said we had better get past the attitude of using everybody else's shortcomings to excuse our own, and try to figure out some way to start moving forward.

So your comment is exactly on point. But if your first thought when you go into a commission meeting is: "My goodness, where are Gilbert and Sullivan?" Your second should be: "How do we get around the fact that governments are the cause of most of the oppression that we have to do something about?" . . .

At one point this year, when the Russians were arguing that we couldn't discuss arrests in the Soviet Union because that would invade their "internal affairs," I reminded everyone that in 1947 the NAACP had come to the Human Rights Commission with a petition about American blacks being segregated and descriminated against. The Soviet Union was very enthusiastic about the Human Rights Commission investigating that; they didn't see any "internal affairs" objection at all. And Mrs. Roosevelt agreed that any people who feel they are being deprived of human rights anywhere ought to have the right to bring their complaint to the Commission, if they follow the proper procedures. I said that the United States had made great progress with its racial problems in 30 years, partly because we have been conscious of the pressure of the rest of the world, which was judging us by what we did about racial injustice in the United States.

I said:

I want to thank you for that help in improving conditions in the United States. While I don't expect the Soviet Union will thank us tonight for assisting them in dealing with some of their human rights problems, perhaps in 30 years they too will perceive that they were very fortunate that there was outside pressure to make them do better.

I think almost everyone now realizes that Mrs. Roosevelt and those who worked with her were right to plow ahead and get to an agreement despite the vocabulary problems and all the other vagaries. . . .

There is one statement I would like to add to the record. I want to say why I think that what Andy Young has been doing has been so enormously important, so valuable for the United States, and to the world for that matter. His personal qualities, I believe, are indispensable to the efforts which have made it possible to hope for better days at the United Nations and in the international community in general. His great warmth and spontaneous candor have broken through the rigor mortis that so often dooms diplomatic activity to irrelevance.

I do not minimize the complications that may be caused by media hoopla over this or that statement, but that is a small price to pay. And that is a topic I would like to discuss with responsible newspeople. For instance, the central drama of our time is not the fact that Brady Tyson uttered two unauthorized sentences in Geneva—sentences which he said were not authorized immediately after he said them. By rational standards, those sentences could have been perceived as worth perhaps three or four lines in the midst of reports about some rather significant other actions that were never reported at all. And if we end up trapped by fear—of occasional public disagreements, or of flaps in the media—into saying nothing that hasn't been orchestrated by committee and weighed through 16 filtering processes, so nothing is said that doesn't meet high standards of nonspontaneity—don't we sacrifice a great deal more by that kind of restrictiveness than if we accept the virtuoso achievements of people like Ambassador Young and of Senator Moynihan during his tenure at the United Nations? One may disagree with some of the statements made, but there is an important value not in contradicting established American policy but in adding spontaneity and openness to diplomatic discourse.

I believe there is a great advantage in encouraging the right people to use such latitude—that is to say: Don't appoint people to these positions if you don't feel they are the best people to further our national interests. But if they are the best people to do that, if they have the intelligence and integrity and commitment and sense of responsibility that should go with appointments to these jobs, let them use these qualities to further our policy goals. Your report on your term as a U.S. Delegate to the General Assembly and Bill Buckley's book on his service at the United Nations both make that point powerfully. The best talents we have, regardless of ideology, need to be used in these situations. The best talents, the best spirits, the people who are best at communicating ideas to other people—we need representatives at U.N. meetings who can empathize with other points of view, who can work comfortably with people from all parts of the world. To try to homogenize everything is to reduce the efficacy of our representation.

What Andy Young has achieved, and what in limited circumstances we tried to achieve in Geneva, is the impact of spontaneity in debate and conversation. That carries the risk that not every word will be exactly as you might later wish, and that some things may be said at times that you wish you had said differently.

You may have to say afterward: "Wait, I made a mistake on that," or "I wish I could have explained my position because I see now it was misinterpreted," or "That statement does not reflect the ultimate position of my delegation."

Those are not great tragedies for individuals or for the national interest. If one says something and discovers that it is inaccurate, one says: "I made an inaccurate statement."

I found in Geneva that, if what you say is always sculpted in advance, you can't have the back and forth that is so valuable, for example, in Congress. And if you can't draw people out and try to understand what they are saying and make them reexamine things, everything tends to fall into a kind of tedious ritual drill that affects almost nothing. Instead of that, we tried to discuss and argue without getting into accusatory polemics, if we could avoid it. We took that awful Middle East resolution almost sentence by sentence: What does it mean to say Israel is an aggressor, and why is it the business of this Commission to decide that? Then we argued that point and others like it.

Now, traditionally, that is not what happens. Everyone makes speeches which are mostly written by somebody else often weeks ahead of delivery. Everyone reads

canned speeches; nobody listens to anyone else if they can help it, and what you have at the end of it all is not an exchange of ideas but a kind of verbose trench warfare from fixed positions.

So I think it is most helpful to the United States that people all around the world know that our Ambassador to the United Nations speaks feelingly about things so many people feel very deeply about.

He doesn't undermine fixed American policy decisions, he simply uses the opportunity to discuss what factors should go into making that policy. He has made countless people everywhere begin to think: Well, maybe the United States really isn't what we have always been told. Maybe the caricature isn't real." Andy Young's freshness and independence reflect his own remarkable experiences and compassion. He has reached great numbers of people that no one else could have reached and I can't for the life of me see how this triumph is somehow damaging to what is called the "unity" of American foreign policy.

I understand there can be a problem if the public or other nations were to get the impression that there are major conflicts in our foreign policy, but it seems simple enough to make sure that everyone knows that this is not so. Soon it will be realized that dialog is not dissension, and that spontaneity is not irresponsibility. . . .

Of course, we all understand that when you sit behind a sign that says "United States of America" there are things that you cannot say because you are speaking for your Government. But at the same time you are useful in that seat, instead of having a robot sitting there, precisely because of whatever you bring to it. That should be part of the reason you are appointed to that seat in the first place.

For instance we benefited in Geneva from an odd coincidence that no one could have anticipated. It happened that in 1959, I was asked to go to a place called Otjiwarongo in South-West Africa to see a man called the Reverend Chirimuji. If you are ever asked to go to Otjiwarongo and find a man called Chirimuji, you will remember it.

I went there, but I didn't find him. The South African police got wind of our presence and we had to hide, since we were there in an African area illegally. I suspect our whole trip to South-West Africa was rather awkward for the U.S. Government at the time. Cables must have flowed for weeks about that odd enterprise.

Then years later, there we were, in Geneva. I am speaking for the United States, and suddenly the Reverend Chirimuji emerges from South-West Africa and appears in Geneva as a leading spokesman for his people. You will understand the considerable emotion of that delayed meeting. There we were in a distant city years later, to discuss human rights, Namibia now a high priority on the agenda of human rights concerns in the world. We gave a reception for Reverend Chirimuji and his colleagues. It was an event that said something helpful and perhaps even poignant about where America stands, and it occurred because the U.S. delegation brought some unusual personal experiences to its work. And Andy Young brings not only his own remarkable qualities, but his close association with the preeminent figure of our time on matters of human rights.

The point is that President Carter, Secretary Vance, and Ambassador Young have achieved a great deal already to reverse the trend toward the United States becoming a rather isolated voice dealing increasingly ineffectually in international forums with things even when we are right, which, may I add, increasingly frequently we are.

I know there will be moments when what Andy says, or what I or someone else may say, will produce disagreement. This kind of disagreement is as healthy as it is inevitable.

The last thing Andy Young expects is that everyone will agree with everything he says. But something quite extraordinary is beginning to happen in world affairs, and we ought to understand it and be grateful.

At times the President himself makes some people nervous because he has rattled some ancient notion of propriety, or has spoken out candidly at an unexpected moment. Adlai Stevenson once observed that diplomacy consists of alcohol, protocol, and Geritol. We ought to be pleased that we are helping to make it something better than that, that we need not be locked in that way. . . .

I was at a human rights seminar at Notre Dame where many people from private organizations were still acting as if the U.S. Government were their enemy. They are so used to opposing whatever the Government does in these areas that there is a resistance, or maybe it's just a delayed reaction, to understanding that now the Government wants to do many of the same things they do. There will be confusion and bungling, but the will is there. Can we get the energies that were spent during the disputes over the war and in the efforts to obtain and protect citizens' rights—can people get together to help make a new start? If we can get past old conflicts and find a way to work together without easing up on the obligation to disagree with any officials when we think they are wrong—if we can do that, those things that we have wanted to achieve over the years can in my view begin to happen. I would hate to see us lose this opportunity out of a reflex rigidity that keeps everybody repeating their old slogans in the same old way as if nothing had changed.

So I hope that a measure of unity to work toward one overall shared goal—to try to reduce human misery—these goals will be preserved. I know it won't be preserved if there isn't some effort to communicate, as well as a lot of tolerance of independent judgments and differences over strategy and tactics.●

SALVATORE A. BONTEMPO, DEMOCRAT OF THE DECADE

● Mr. LAUTENBERG. Mr. President, I should like to bring to the attention of my colleagues one of New Jersey's most notable public servants, Salvatore A. Bontempo. It is my pleasure to join with the New Jersey Democratic State Committee in honoring Sal as the "Democrat of the Decade" in recognition of his lifetime of tireless service to the Democratic Party and its ideals.

Sal's record of accomplishment is evident. He was an Assistant Secretary of State under the Kennedy administration, headed both Veterans Services and the Department of Conservation and Economic Development during the administration of Governor Meyner, and was appointed chairman of the highway authority by Governor Byrne.

Sal's activities and honors represent not only his commitment to serve the public, but also his special perception of the needs of future generations. Under his guidance, the Green Acres and Meadowland concepts became viable. Through the Green Acres program, today over 200,000 acres have been preserved for public use in New Jersey for recreation, open space, forestry, fishing, and gaming. In 1961, when this program was instituted, there was no State-owned acreage. In the Meadowlands, New Jersey possesses a sports complex that is unmatched in the Nation. Indeed, through Sal's gift of foresight, New Jersey is a far better place to live.

Without doubt, Sal has led an exemplary life and shows no sign of losing his desire to serve. I can think of no more deserving recipient than Sal for this award. A proud family man, a dedicated public servant and a decorated war hero, Sal is a great American, and I salute him on this very special occasion.●

THE MIDDLE EAST AND UNITED STATES-ISRAEL RELATIONS

● Mr. BOSCHWITZ. Mr. President, recently, the distinguished Representative from Tennessee, DON SUNDQUIST, gave a speech in Memphis before a local B'nai B'rith group. He thoughtfully addressed major Middle East issues relating to our country's unique relationship with Israel.

Many have suggested that his remarks would be of interest to a much wider audience than those in attendance on that occasion. Accordingly, I would like to ask that they be printed in the RECORD.

The remarks follow:

B'NAI B'RITH SPEECH, CONGRESSMAN DON SUNDQUIST

I should say first that never before has the need been so great for the strongest American commitment to and support for a strong and secure Israel. The explosive flow of current events has made for very trying times for Israel and for Israel's friends in America.

Certainly, the events of just the last week will not diminish the activities of those enemies of Israel who seek to have the U.S. punish the Jewish homeland by withholding aid. We should prepare for new efforts to blame Israel for the bloodshed in the Middle East.

Frankly, I find this amazing. I am amazed, for example, that President Mubarek of Egypt would strongly condemn the U.S. earlier this week for not embracing the PLO—without even mentioning or considering the absolutely essential ingredient before any such dialogue can be arranged: the acknowledgement by the PLO of Israel's right to exist. Any effort by Mubarek, King Hussein, or any others is doomed to failure as long as Israel is not recognized as a state.

I am amazed, too, that President Gemayel would abrogate his treaty with Israel of last year. I recognize that the Gemayel Government may be going down the tubes. But ab-

rogation of that treaty would indicate that no agreement in the Middle East can be trusted.

The Israeli Government made many concessions with Lebanon in that treaty. After all, Beirut is only 60 miles away from the northern border of Israel. The only purpose in Israel's presence in Lebanon is to protect its own security. This treaty offered the only hope for accommodation between the Governments of Israel and Lebanon on the security and sanctity of Israel's borders.

Obviously, we can understand how Gemayel wants to build a coalition government. But who is he trying to accommodate? Are the Syrians and the Soviets committed to the sovereignty of Lebanon? Of course not. They are only interested in sabotaging that sovereignty. As a client state of the Soviet Union, Syria has never established any kind of relations with Lebanon. As long as they remain under Soviet influence, Syria will never recognize the independence of Lebanon.

Obviously, Israel cannot and should not withdraw unilaterally from Lebanon—and particularly not if the Government of Lebanon does not honor its agreements. The abrogation of that treaty is a matter, obviously, between those two governments. But I support Israel's reevaluation of their policy in light of Gemayel's decision.

As long as I am mentioning events of the last week, I should note the cowardly assassination in Rome of Leamon Hunt, the American Director General of the Multinational Force in the Sinai.

Mr. Leamon's tragic death should remind us of a couple of things. First, that we must strengthen our resolve not to bend in response to terrorism—and we must beef up our own security precautions in terrorism-prone parts of the world.

And it should remind President Mubarak of the serious concessions Israel made in turning over the Sinai. He should keep Israel's conciliatory gestures in mind when he tells the U.S. to embrace the PLO.

The only good news of the past week, in my mind, was the appeal by the French Government to the United Nations Security Council. They want the U.N. to organize a peace-keeping force to replace the American, French and British troops. I think it's time the U.N. put up or shut up on the issue of keeping the peace. Even if the Soviets veto the plan, it will show the world that they are peace-breakers, not peace-makers.

Despite the discouraging events of the past few weeks, the long-range outlook for strengthening American-Israeli ties is optimistic—though several challenges remain.

The meeting last November between Prime Minister Shamir and President Reagan, I'm told, was a great success. The two agreed upon a level of assistance that Israel feels comfortable with.

Last year, U.S. military aid to Israel totalled $1.7 billion—half of it in grants, and half of it in loans.

This year, with congressional approval (which I expect), the U.S. will provide $1.4 billion, all in grants.

The area still under debate, however, is economic support. Reagan proposed $850 million in outright economic assistance, and Israel requested $1.2 billion. Israel's request appears the more likely winner in Congress. Even Senator Percy, chairman of the Foreign Relations Committee, said he expects Israel to win the full $1.2 billion—and further expects the administration to go along with it.

Prime Minister Shamir and President Reagan also discussed the establishment of a "free trade area" between the U.S. and Israel—in an effort to strengthen the Israeli economy.

There are only two ways for the Israeli economy to improve: peace with the Arabs, which isn't likely, obviously; and trade.

Other than with Canada, the U.S. does not have any such "free trade zones." The designation would be a meaningful step toward solidifying the unique relationship between our two democratic nations and a way to provide mutual benefits.

The European nations have taken a major step towards enhancing their own relations with Israel by admitting it as an associate member of the European Common Market and signing a free trade area agreement with Israel. This allows Israel duty-free access for European products in Israel.

The F.T.A. would also be of significant benefit to the U.S. We have always enjoyed a highly favorable balance of trade with Israel, resulting in a 1983 trade surplus in excess of $500 million. Most of Israel's exports to the U.S. already enter duty-free while only 55 percent of U.S. exports to Israel have duty-free status. Israel thus has the potential for being a far stronger market for the U.S. if a free trade area were established.

There is one other significant and positive development in our relationship with Israel. Unfortunately, this development might be coming too late. As I'm sure you're all aware, injured American soldiers who were burned in the bombing of the Marine barracks in Beirut could have been taken to the burn center in Haifah, Israel—only 30 minutes away. It is the best burn center in the Mideast.

But because of "standard operating procedure," the injured soldiers were taken to West Germany, 13 hours away. These procedures have been changed, I've been assured.

Now I'd like to talk briefly about an area that I'm deeply concerned about. That is the proposed sale of 400 Stinger antiaircraft missiles to Jordan at a cost of $38 million. The Stinger will have an effect on the military balance in the Mideast out of proportion to its size. It is a shoulder-launched antiaircraft missile system that has been operational for about three years. It tracks the engine exhaust plume of its target, not the heat of the engine itself. Countermeasures used to confuse it have proven ineffective.

While Israel knows how to counter the Stinger, new equipment will have to be developed for this purpose. Obviously, this is counterproductive to U.S. interests in Israel.

Israel isn't opposed to all aid to Jordan, particularly with the Syrian threat. But most experts agree that the number of Stingers that the U.S. intends to supply Jordan is disproportionately large if intended to protect against a Syrian threat.

I'm not for shutting off our relationship with Jordan. But King Hussein has consistently been a serious obstacle to American efforts to bring peace to the area by rejecting the Camp David approach, and by flatly rejecting President Reagan's peace initiative. To sell advanced weaponry to such a stubborn opponent of U.S. peace efforts would be ludicrous, and I believe this sentiment is widespread on Capitol Hill. I think that if King Hussein won't come around to the bargaining table, then he should forget about gaining any new advanced weapons.

On another congressional front, I think it's about time the U.S. recognized Jerusalem to be the legitimate capital of Israel. We should move our Embassy.

The National Arab American Association has put me on all their hit lists this year—and with their track record, I'm proud to have that designation.

In my mind, it all comes down to this:

How much is Israel really costing America? Is it worth it? Is Israel a burden or a bargain? I think the facts come down on the side of Israel.

The U.S. lays out in foreign aid to Israel a sum which amounts to about 4 percent of what the U.S. lays out to Great Britain, France, Italy and West Germany. This year, when Israel will get about $3 billion, NATO countries will get $50 to $80 billion—but you never hear about it. This is because in the wonderful world of bureaucracy the money sent to Israel is called "foreign aid."

Israel pays back upwards of one-half of the American aid it gets, while NATO pays back nothing.

What is America getting for the money it sends to Israel? It gets the latest intelligence information on the latest, most advanced Soviet weaponry. Israel, not NATO, is supplying the United States with this information. Israel, not NATO, is keeping the Soviet Union out of the Middle East. And Israel is doing this with just a few percentage points of the aid which America ships overseas.

What is more, Israel is no drain on American trade. Money that we ship to Israel for economic assistance, as I mentioned earlier, finds its way back to America in the form of Israeli imports of American goods.

Consider this, too: Israel receives only American money, while NATO receives American money and men. When Israel fights Soviet proxies such as Syria in the Middle East, it is Israeli soldiers who die, while for NATO it is American soldiers who defend Europe.

Take it all around, American aid to Israel is a bargain: Israel doesn't take much; what it does take it either spends in America or pays back to America in trade; and in return for its aid to Israel, America gets an ally which not only talks but acts to keep the Soviets out of the Middle East—and also keeps democracy alive in the Middle East.

Take it all around, American aid to Israel is a bargain—and I'll do my part to ensure that this relationship continues and thrives.●

DON'T TAMPER WITH THE BILL OF RIGHTS

● Mr. MOYNIHAN. Mr. President, I was delighted to receive today a letter from the American Jewish Congress and People for the American Way. Enclosed was a statement on the proposed school prayer amendments to the Constitution, from over 300 of the leading constitutional scholars in the United States.

Their statement is important because it places in proper historical perspective the arguments on both sides of the school prayer issue. The Bill of Rights, it notes, has served this Nation well, deriving "its strength precisely from its unique ability to inspire a reverence so deep that Americans have refrained from changing it since it was made part of our Constitution nearly two centuries ago." Amendments should be made only for the most

pressing reasons and only in the most clear-cut instances.

In the judgment of these men and women who have devoted their lives to the study of the Constitution, proponents of the various school prayer amendments have not demonstrated the pressing or clear-cut reasons needed to justify such a constitutional amendment. These legal scholars have expressed their thoughts most fluently, and I ask that the full text of their statement, as well as the names of all of the signers of the statement, be printed in the RECORD.

The material follows:

DON'T TAMPER WITH THE BILL OF RIGHTS

Listed below are law professors and practicing attorneys who oppose a constitutional amendment to permit prayer in the public schools. They are men and women deeply committed, personally and professionally, to the Constitution of the United States.

The First Amendment to the Constitution secures religious liberty for all of our people by guaranteeing that government must not favor one religion over another or become involved in religious matters. These principles are embedded in the first words of the Bill of Rights which prevent government from passing laws "respecting an establishment of religion or prohibiting the free exercise thereof." Freedom of speech, freedom of the press and our other precious personal freedoms are similarly protected by the Bill of Rights which, for almost 200 years, has spread the mantle of protection over persons of all faiths and creeds—political, cultural and religious.

Now, the Reagan Administration wants to amend the Bill of Rights. Various proposals have been introduced to allow public schools to introduce prayer in the classroom. Such practices have been ruled unconstitutional by the United States Supreme Court. But a constitutional amendment, if passed, would circumvent the court rulings and make public school prayer legal. If adopted, the amendment would permit government officials to become directly and actively involved in sponsoring religious activities in public schools and other public buildings, even to the point of favoring one faith over others. Such an amendment would strike at the heart of the American tradition of religious liberty and separation of church and state. It should be defeated.

An alternative proposal, introduced by Senator Hatch, would permit "individual or group silent prayer" in public schools. In our view, the proposed Hatch amendment is unnecessary and potentially divisive. The United States Supreme Court has never ruled that schools may not set aside a moment of silence during which students may choose to pray or meditate. Although the lower courts have been divided on particular cases, some constitutional scholars believe that the Supreme Court will sustain public school policies to set aside a moment of silence during which students may pray or meditate.

We are strongly of the opinion that it would be unwise for Congress to tamper with the First Amendment by proposing a constitutional amendment dealing with issues that have not yet been before the Supreme Court. It would be irresponsible for the Congress to submit to the state legislatures an amendment that may well be wholly unnecessary and will be a source of religious strife in 50 capitals for many years.

As students and teachers of Constitutional law, we oppose changes in the Bill of Rights. We recognize that no provision of the Constitution is totally immune from repeal or alteration through amendment. But we also know that the Bill of Rights, which protects our fundamental freedom, derives its strength precisely from its unique ability to inspire a reverence so deep that Americans have refrained from changing it since it was made part of our Constitution nearly two centuries ago.

If now, for the first time, an amendment to "narrow the operation" of the First Amendment is adopted, a precedent will have been established that may prove too easy to follow when other controversial decisions interpreting the Bill of Rights are handed down. Certainly, the religion clauses, which have served America so well, should not be amended, absent the most pressing reason—a showing proponents of these amendments have not made. The Constitutional experts whose names appear below urge Congress not to approve the prayer amendments.

(Names of institutions given for identification purposes only.)

Benjamin Aaron, Professor of Law, University of California at Los Angeles.

Norman Amaker, Professor of Law, Loyola University.

Howard C. Anawalt, Professor of Law, University of Santa Clara.

Francis B. Anderson, Professor of Law, Albany Law School.

Charles E. Ares, Professor of Law, University of Arizona.

Dennis Wayne Arrow, Associate Dean and Professor of Law, Oklahoma City University School of Law.

C. Edwin Baker, Professor of Law, University of Pennsylvania.

Fletcher N. Baldwin, Jr., Professor of Law, University of Florida.

Gordon B. Baldwin, Professor of Law, University of Wisconsin.

Milner S. Ball, Harmon W. Caldwell, Professor of Law, University of Georgia.

Phil Balm, Associate Executive Director, American Jewish Congress.

Charles H. Baron, Professor of Law, Boston College.

Jerome A. Barron, Dean and Professor of Law, George Washington University National Law Center.

Richard J. Bartlett, Dean, Albany Law School.

Jackson B. Battle, Professor of Law, University of Wyoming.

William M. Beaney, Professor of Law, University of Denver.

Albert R. Beisel, Professor of Law, Boston University.

Michael R. Belknap, Associate Professor of History, Attorney at Law, University of Houston.

Paul Bender, Professor of Law, University of Pennsylvania.

Paul Berger, Esq.

Judith W. Berkan, Assistant Professor, Inter American University.

Alfred W. Blumrosen, Professor of Law, Rutgers, Newark.

Richard J. Bonnie, Professor of Law, University of Virginia.

Michael H. Botein, Professor of Law, New York Law School.

Daan Braveman, Professor of Law, Syracuse University.

Albert Broderick, Professor of Law, North Carolina Central University, Law School.

Judith Olans Brown, Professor of Law, Northeastern University.

Alan E. Brownstein, Acting Professor of Law, University of California at Davis.

Elizabeth Buchanan, Associate Professor of Law, University of Arizona.

John M. Burkoff, Professor of Law, University of Pittsburgh.

Michael M. Burns, Associate Professor of Law, Nova University.

Claudia Burton, Professor of Law, Wilamette University.

Norman L. Cantor, Professor of Law, Rutgers, Newark.

Kenneth M. Casebeer, Professor of Constitutional Law, University of Miami.

Ronald A. Cass, Professor of Law, Boston University.

Jonathon B. Chase, Dean, Vermont Law School.

Martha E. Chamalias, Associate Professor of Law, University of Iowa.

Linda K. Champlin, Professor of Law, Hofstra University.

Randall M. Chastain, Associate Professor of Law, University of South Carolina.

Jesse H. Chofer, Dean University of California at Berkeley School of Law.

Robert Clinton, Professor of Law, University of Iowa.

David M. Cobin, Associate Professor of Law, Hamline School of Law.

Neil H. Cogan, Associate Professor of Law, Southern Methodist University.

Neil B. Cohen, Associate Professor of Law, Seton Hall University.

Sidney Cohen, Esq.

William Cohen, C. Wendell and Edith M., Professor of Law, Stanford Law School.

Robert H. Cole, Professor of Law, University of California at Berkeley.

Charles E. Corker, Professor of Law, University of Washington.

Robert M. Cover, Chancellor Kent Professor of Law & Legal History, Yale Law School.

Melvin G. Dakin, Professor of Law Emeritus Louisiana State University.

Joseph L. Daly, Associate Professor and Director, Community Law Center, Hamline University.

Anthony D'Amato, Professor of Law, Northwestern University.

Richard A. Daynard, Professor of Law, Northeastern University.

Orlando E. Delogu, Professor of Law, University of Maine.

Nanette Dembitz, Judge, New York.

Alan M. Dersbowitz, Professor of Law, Harvard University.

Nathan Z. Dershowitz, Esq.

Michael D. Devito, Professor of Law, Golden Gate University.

Rodolpe J. A. de Seife, Professor of Law, Northern Illinois University.

David F. Dickson, Professor of Law, Louisiana State University.

C. Thomas Dienes, Professor of Law, George Washington University.

David Dittfurth, Professor of Law, St. Mary's University of San Antonio.

Patricia A. Dore, Associate Professor, Florida State University.

Norman Dorsen, Stokes Professor of Law, New York University.

William T. Downs, Professor, University of Detroit.

Father Robert F. Drinan, Professor of Law, Georgetown University.

Allen K. Easley, Professor of Law, Washburn University.

John D. Egnal, Professor of Law, Western New England School of Law.

Victoria B. Eiger, Esq.

Sheldon Elsen, Esq.

Nancy S. Erickson, Professor of Law, Ohio State University.
Daniel Farber, Professor of Law, University of Minnesota.
Martha A. Field, Professor of Law, Harvard University.
David B. Filvaroff, Professor of Law, The University of Texas.
Howard Fink, Joseph S. Platt—Porter, Wright, Morris & Arthur Professor of Law, Ohio State University.
Ted Finman, Professor of Law, University of Wisconsin.
David B. Firestone, Professor of Law, Vermont Law School.
William A. Feltcher, Acting Professor of Law, University of California at Berkeley.
Thomas M. Franck, Professor of Law and Director of Center for International Studies, New York University.
Monroe H. Freedman, Professor of Law, Hofstra University.
Brian A. Freeman, Professor of Law, Capital University.
Howard Friedman, Professor of Law, University of Toledo.
Lawrence M. Friedman, Marion Rice Kirkwood Professor of Law, Stanford Law School.
Richard D. Friedman, Assistant Professor of Law, Benjamin N. Cardozo School of Law.
Marc S. Galanter, Professor of Law, University of Wisconsin.
Russell W. Galloway, Professor of Law, University of Santa Clara.
Helen Garfield, Professor of Law, Indianapolis University.
Donald H. Gjerdingen, Associate Professor of Law, The University of Tulsa.
Howard A. Glickstein, Dean, University of Bridgeport School of Law.
David Goldberger, Associate Professor of Law, Ohio State University.
Howard Golden, Esq., Committee on Law and Social Action, American Jewish Congress.
Alvin L. Goldman, Professor of Law, University of Kentucky.
Roger L. Goldman, Professor of Law, St. Louis University.
Abraham S. Goldstein, Sterling Professor of Law, Yale Law School.
Joseph Goldstein, Professor of Law, Yale Law School.
Joel Gora, Professor of Law, Brooklyn Law School.
Irving A. Gordon, Professor of Law, Northwestern University.
Murray Gordon, Esq.
Stephen E. Gottlieb, Professor of Law, Albany Law School.
Nathaniel E. Gozansky, Professor of Law, Emory University.
Eugene Gressman, Professor of Constitutional Law, University of North Carolina.
Harry E. Groves, Professor of Law, University of North Carolina.
Gerald Gunther, William Nelson Cromwell Professor of Law, Stanford Law School.
Theodore E. Guth, Esq.
Elwood B. Hain, Jr., Professor of Law, Whittier College.
Donald J. Ball, Professor of Law, Vanderbilt University.
Richard S. Harnsberger, Professor of Law, University of Nebraska.
Bernard E. Harvith, Professor of Law, Albany Law School.
Willard Heckel, Professor of Law Emeritus, Rutgers, Newark.
Jerome Hellerstein, Esq.
Louis Henkin, Professor of Law, Columbia University.
Lawrence Herman, President's Club Professor, Ohio State University.
Richard A. Hesse, Professor of Law, Franklin Pierce Law Center.
Bill Ong Hing, Associate Professor of Law, Golden Gate University.
William Hodes, Associate Professor of Law, Indiana University, Indianapolis.
James L. Houghteling, Professor of Law, Boston College.
Howard O. Hunter, Professor of Law, Emory University.
Jonathan M. Hyman, Associate Professor of Law, Rutgers, Newark.
Jack Jacobs, Esq.
Louis A. Jacobs, Associate Professor of Law, Ohio State University.
Hervey M. Johnson, Professor of Law, Pace University.
Sheri Lynn Johnson, Assistant Professor of Law, Cornell Law School.
Francis E. Jones, Jr., Professor of Law, University of Southern California.
Yale Ramisar, Henry K. Ransom Professor of Law, University of Michigan.
Stephen Kanter, Professor of Law, Lewis & Clark College.
William A. Kaplin, Professor of Law, Catholic University of America.
Kenneth L. Karst, Professor of Law, University of California at Los Angeles.
Stanley N. Katz, Professor of Law, University of Pennsylvania.
Andrew L. Kaufman, Charles Stabbins Fairchild Professor, Harvard University.
David H. Kaye, Professor of Law, Arizona State University.
Robert B. Keiter, Professor of Law, University of Wyoming.
Christine H. Kellett, Professor of Law, Dickinson School of Law.
Maurice Kelman, Professor of Law, Wayne State University.
Ronald E. Kennedy, Professor of Law, Northwestern University.
Kenneth F. Kirwin, Professor of Law, William Mitchell College of Law.
Philip C. Kissam, Professor of Law, University of Kansas.
Dorean M. Koenig, Professor of Law, Thomas M. Cooley Law School.
Milton R. Konvitz, Professor Emeritus, Cornell Law School.
John R. Kramer, Associate Dean and Professor of Law, Georgetown University Law Center.
Paul M. Kurtz, Professor of Law, University of Georgia.
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David A. Logan, Assistant Professor of Law, Wake Forest University.
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William E. Marsh, Professor of Law, Indiana University.
Washington Marshall, Associate Professor of Law, Southern University.
William E. Martin, Associate Professor of Law, Hamline University.
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William Rich, Associate Dean and Professor of Law, Washburn University.
William D. Rich, Assistant Professor of Law, University of Akron.
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Butler D. Shaffer, Professor of Law, Southwestern University.
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Edward F. Sherman, Professor of Law, University of Texas.
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Robert L. Stoyles, Professor of Law, Willamette University.
Allen Sultan, Professor of Law, University of Dayton.
Nadine Taub, Professor of Law, Rutgers, Newark.
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Heathecote W. Wales, Associate Professor of Law, Georgetown University.
Burton D. Wechsler, Professor, American University.
E. D. Wedlock, Jr., Professor of Law, University of South Carolina.
Philip Weinberg, Professor of Law, St. John's University.
Harry H. Wellington, Professor of Law, Yale Law School.
William E. Westerbeke, Professor of Law, University of Kansas.
A. A. White, Dean Emeritus, University of Houston Law Center.
Robert F. Williams, Associate Professor of Law, Rutgers, Camden.
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Jeanne S. Wine, Esq.
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Richard Wolfson, Esq.
Richard W. Wright, Associate Professor of Law, Benjamin N. Cardozo School of Law.
Donald H. Zeigler, Professor of Law, Pace University.
Luise Zubrow, Associate Professor of Law, George Washington University.●

AN ECONOMIC SUCCESS STORY

● Mr. PRYOR. Mr. President, in a recent report the Comptroller of the Currency has highlighted Phillips County, Ark., as one of seven examples of a deteriorating local economy which is being revitalized through the leadership and assistance of the local financial community.

Phillips County, which lies on the Mississippi River, had experienced a decade of decline when, in 1979, the closing of the largest local employer completed the downward spiral. Something had to be done to brighten a bleak future, and Bill Brandon, president of First National Bank of Phillips County, took the initiative.

Since his appointment 5 years earlier as commissioner of the Arkansas Department of Economic Development, Brandon had seen that the major impediment to growth was the unhealthy competition between the county's two largest cities—Helena and West Helena—between the black and white communities and among the local financial institutions. The plant closing finally shook the community into a mutual effort to address mutual problems.

The positive result of this unity was the formation, in 1980, of Arkansas Delta Development, a nonprofit industrial development corporation. ADD, Inc., was the outcome of successful discussions among Brandon; Doug Simmons, president of Merchants & Farmers Bank of West Helena; J. J. White, president of Helena National Bank; Mary Louise Phizer, president of Delta State Bank; Helena Mayor Thad Kelly; West Helena Mayor Bob Teeter; County Judge A. Y. Gordon; and State Representative Ernest Cunningham.

These leaders took two important steps toward cooperation. First, the banking institutions agreed to forgo individual rivalries when dealing with industrial prospects. Second, they agreed to hire a professional industrial developer to work as an intermediary between the institutions and industrial prospects and to bring in the financial community at the appropriate time. In 1981, ADD, Inc., hired John Gatling, who presented a plan that projected results after 3 years.

Much earlier than expected, however, Gatling and ADD, Inc., attracted serious commitment to a project that took advantage of the county's position on the river—the construction of a slackwater harbor. When completed, it will be the largest slackwater harbor

on the Mississippi River. If successful, the project could triple the county's population within two decades and create 50,000 jobs. Considering the prolonged state of depression in the county, this degree of growth would be phenomenal. Although success is contingent on finding buyers for the bond offering, 42 States and a dozen industrial prospects had expressed serious interest within 6 months of the announcement.

In 1979, Phillips County was a fragmented community facing economic catastrophe. According to Brandon, the county just "sat back and waited" for the State to bring industry to it. Today local leaders—black and white—have demonstrated a willingness to work together toward a common goal: economic development that will benefit the whole community.

The banks and savings and loans were the key. They displayed outstanding leadership in gaining the support of other sectors, asserting influence with political leaders, and providing fundraising and financial support, all of which were crucial.

The story of Phillips County exemplifies the way our economic system is intended to work. By helping their community, the financial leaders helped their institutions as well. They found that private enterprise could do a better job of attracting capital and industry than government agencies. Furthermore, their experience points out that what may seem a lack of promise and potential is instead only a lack of someone to notice that promise and take the initiative to fulfill that potential.●

THE GRACE COMMISSION AND NAVIGATION USE CHARGES

● Mr. STAFFORD. Mr. President, the President's Private Sector Survey on Cost Control, known as the Grace Commission after its chairman, J. Peter Grace, issued its report to the President not long ago.

As we all know, that report has proved very controversial—involving dramatic recommendations affecting programs under all committees of the Congress.

One area of the report may soon receive attention on the floor of the Senate. That is the report's recommendation to recover over 3 years for the American taxpayers $1.3 billion in use charges on Federal navigation spending.

The issue will come before the Senate when we consider title V and title X of S. 1739.

I share the belief of many of colleagues that the Senate must take up this important legislation at an early date. Just today, Senators ABDNOR, MOYNIHAN, RANDOLPH, and I wrote to the majority leader asking that he schedule S. 1739 for floor debate next month, if at all possible.

These are controversial issues. But they must be addressed. To help the Senate clarify these issues, Mr. Grace recently testified before the Committee on Environment and Public Works on navigation use charges. I ask that the relevant portion of Mr. Grace's testimony before the Committee on Environment and Public Works be printed at this point in the RECORD.

The material follows:

Consistent with the position PPSS has taken on prior recommendations concerning user fees, the phasing-in of user fees over several years that would recover the costs of the services that are attributable to the identifiable beneficiaries would make more sense to PPSS. Because taxpayers overall have been paying for those costs up to now is no reason to continue the practice.

I am not a politician, I am a businessman. Therefore, if it is impractical, because of political reasons, to impose user fees at a level which makes good business sense, we would strongly agree with the concept advocated by Senator Simpson that at least some effort should be made to reduce the costs that Government absorbs each year. His amendment, which would reduce the cap on the amount the government absorbs each year by $35 million per year, would bring the proposed legislation more in line with the philosophy and recommendations advocated by PPSS—though a reduction of the cap in excess of $35 million per year would be better.

As it relates to provisions of the bill dealing with port and harbor construction, operation and maintenance, my previous remarks would again apply, i.e., the goal to be attained in recovering costs for those services provided to identifiable beneficiaries should be 100%. If a local community wishes a 50-foot deep port to accommodate special ocean traffic, it would seem to PPSS that the requesting community should pay for those costs.

The proposed bill seems to duck this issue. It recommends the establishment of a commission to further study the question of the level of user fees. The PPSS position is straightforward—100% cost recovery—though it may not always be politically pragmatic. * * *

In spite of the recognition in this proposed bill that user fees should be recovered to pay for construction, operations and maintenance of harbors, the bill will still require the American taxpayer to continue to pay for most of these and other special services that are not available to the general public. Again, as businessmen, we in PPSS find it difficult to understand why:

The taxpayer would still have to pick up 70% of the tab for harbor construction.

The taxpayer would still have to pick up 50% of the cost for the design and engineering portions of harbor construction.

The taxpayer would pick up 100% of operations and maintenance costs for harbors up to 45 feet in depth and only 50% of all costs for maintenance at depths below 45 feet.

It is clear that the proposed bill reflects considerable negotiation and compromise. And, while S. 1739 may constitute the only changes that are termed to be "politically pragmatic" at this time—and would be a major step forward if enacted—we would be remiss if we were not to urge this Committee and the members of Congress to continue to work towards a program of full cost recovery from those who benefit from the services or products provided by the Federal Government. American taxpayers in general should not have to shoulder the cost of privileged services.

Mr. STAFFORD. Mr. President, I also ask that appropriate portions of the Commission report be printed at this point in the RECORD.

The material follows:

The Federal Government should recover costs of the Army Corps of Engineers (COE) Civil Works Program on Capital Construction and Operations and Maintenance (O&M) of Deep Draft Harbors and Channels—Deep draft harbors and channels of the United States serve a major role in the maintenance of domestic and foreign commerce. As calculated in 1981, over 1,839,723,900 tons of merchandise move through these harbors and channels. Deep draft harbors and channels are defined by COE as having a depth in excess of 14 feet. The Congressional Budget Office (CBO) reports that overall expenditures by COE for the CW program have risen from $1.2 billion in 1970 to $3.2 billion in 1981. The total COE budget proposed for the CW program in FY 1984 is $2.6 billion. Against this total, $38.0 million in fees from a diesel fuel tax on inland vessels is the only general user fee for waterway commercial transportation collected. Based upon historical data, about $500 million a year will be spent on construction and O&M of deep draft ports and related channels. The O&M expenditures from 1977 to 1982 reached $380 million per year, most of which is properly recoverable (i.e., directly related to navigation). According to COE and as used by CBO, costs projected for the next five years would be about the same plus adjustments for inflation. Capital expenditures for construction between 1977 and 1982 were on the average over $100 million per year. The Task Force examination of O&M operations for developing and maintaining draft reveals no incidental direct benefit to noncommercial users, such as work on a dam which may affect recreation use. Accordingly 100% of O&M may be fairly recovered from port or waterway users. A tonnage fee appears to be the better user fee mechanism than an ad valorem tax for O&M cost recovery. The tonnage fee can be calculated readily from bills of lading, and could be added as a surcharge. Since the fee is associated with the weight of the commodity and not its value, which is often subject to fluctuation during a voyage, it is therefore simpler to predict for fee setting formula purposes and easy to calculate. The Task Force analysis of the construction issue and controversy over user fee to recoup the costs and proposed limits on Federal expenditure leads to the conclusion that the Federal government should end its role in financing harbors, especially the giant coal harbors. The free market system should prevail. Recommends that user fee legislation be enacted to recover 100% of the cost of O&M of deep draft harbors. Administration of the user fee program should be responsibility of the COE, while collections should be managed by IRS. Recovery of O&M should be gradually implemented over a four-year period from 20% to 100%.

Three-Year Savings/Revenue Enhancements: $747.0 million.

Implementation Authority: Congress.

Increase Fees For Using the Inland Waterways of the Nation to Recover a Greater

Amount of the Cost of Constructing and Maintaining Those Waterways—Inland waterways play an important role in the commercial traffic network of the United States. Nearly 200 billion ton-miles of commerce are moved annually with barges on inland waterways. The U.S. Army Corps of Engineers (COE) manages the inland waterways system of the United States. COE is responsible for the construction, operation and maintenance (O&M) of over 25,000 miles of inland waterways, and annually spends an average of $270 million for O&M and $400 million of capital projects (construction). Historically the O&M of these navigation facilities for inland waterway transportation have been provided at no expense to the beneficiaries. The Inland Waterways Revenue Act of 1978 was enacted to collect taxes "on any liquid used during any calendar quarter by any person as a fuel in a vessel in commercial waterway transportation." Revenues collected through these taxes are placed in the Inland Waterways Trust Fund. Under the user charge system, the Federal government collected about $24 million in 1981 and $29 million in 1982 from the beneficiaries of the facilities and services provided. To collect user fees on inland waterway use is appropriate. The fees generated under the current fuel tax are less than 2% of annual costs. User fees should more closely approximate 100% cost recovery unless a substantial allocation of expenditure can be attributed to some unique public benefit. To avoid sudden disruptions caused by implementation of 100% recovery there is rationale for implementing the cost recovery program over a number of years, as was planned for the fuel tax. If there is a need to subsidize a product or industry segment because of a legitimate concern about its welfare, it will be better to do so in a direct fashion, rather than continue indirect subsidies which benefit others who require no subsidy. Recommends that the Administration propose amendments to the existing waterway legislation to obtain full cost recovery phased in over a five-year period for COE expenditures for the operation and maintenance, as well as the construction, of the Nation's inland waterways system.

Three-Year Savings/Revenue Enhancements: $600.7 million.

Implementation Authority: Congress.●

THE "DIRTY WAR"—ARGENTINA AND EL SALVADOR

● Mr. DODD. Mr. President, "few countries are granted a second chance at history," as Robert Cox points out in a recent article in the New Republic. Argentina is one such country. The election of Raul Alfonsin as President has given Argentina a second chance.

El Salvador may not be as lucky, though its need for that second chance is certainly as great. The parallels between pre-Alfonsin Argentina and El Salvador today are frighteningly clear. Argentina's "dirty war" of yesterday is El Salvador's "dirty war" of today.

In a March 3 article in the New York Times, Stephen Kinzer graphically relates the horrifying Salvadoran nightmare—a nightmare prolonged by death squads blessed and directed by key government officials, including Presidential candidate Roberto d'Aubuisson.

In Argentina, as Cox points out, Alfonsin "has acted with impartiality in bringing to justice those responsible for Argentina's descent into hell throughout the 1970's." Who will take responsibility for El Salvador's "descent into hell?" For the brutal murders and tortures ordered by government officials, perpetrated when those who would prevent them were ordered away? For the systematic coverups of thousands of these murders—the victims of which include at least eight Americans—and a government-sanctioned policy of wrist-slapping for the most heinous crimes?

Kinzer quotes a former Salvadoran military official:

People see that all they have to do is go out and shoot someone and nothing will happen to them.

The situation was not very different in Argentina. The desparecidos, the disappeared, numbered in the thousands. Cox describes them.

People being routinely tortured and systematically killed—their bodies disposed of like garbage, buried in unmarked plots, burned or strewn in lakes, rivers, and the sea.

But the situation in Argentina is changing. President Alfonsin's predecessor, Gen. Reynaldo Bignone, is under arrest and confined to a military base. Scores of others are being forced to take responsibility for their actions and their crimes.

The day of reckoning must come in El Salvador—and it will.

Salvadorans must, as Cox says of the Argentines:

No longer drive by the faces of the dead without seeing; they simply can no longer change the subject. To simply denounce the military and go on with life as usual is to repeat the mistake that permitted the repression: to believe that one bears no personal responsibility for society.

And, the Salvadorans must recognize who is leading their country's "descent into hell" as they approach the polls March 25. Their country may not otherwise receive "the second chance at history" it so desperately needs.

Mr. President, I ask that the two articles I have discussed today—"Argentina's Democratic Miracle" by Robert Cox in the March 19, 1984 edition of the New Republic, and "Death Squads in El Salvador: Ex-Aide Accuses Colleagues" by Stephen Kinzer in the March 3, 1984, edition of the New York Times—be printed in the RECORD following my remarks.

The articles follow:

ARGENTINA'S DEMOCRATIC MIRACLE

(By Robert Cox)

On December 10 I entered the Casa Rosada, the headquarters of the government of Argentina, for the first time since 1979, the year I left Buenos Aires with my wife and five children, just a step ahead of the murder squads. The comic-opera setting had not changed. The San Martin Grenadiers stood like chocolate soldiers, wearing blue uniforms with red piping, riding boots of sumptuous black leather, and improbable shakos, the ceremonial plumed hats worn by the elite guard. But everything else at the Casa Rosada—and in the country—had been transformed. I sat on one of two hundred or so fragile gilt chairs packed into the dazzling Salon Blanco for the swearing in of Raúl Alfonsín, the first freely and fairly elected civilian president in half a century. General Reynaldo Bignone, the last military president, was shaking, and his face was ashen. At the culmination of the ceremony, General Bignone placed the sash of office over Alfonsín's head—an awkwardly intimate procedure, almost like an embrace.

General Bignone's participation in Alfonsín's inauguration was mercifully short. He left by a side door, a frightened man in a dark civilian suit. "Asesino, asesino," screamed a group of people who recognized him, but the crowd was too happy that day to turn vicious. Within a month he was under arrest, confined to a military base, charged with responsibility for the "disappearance" of two young army conscipts under his command.

Many people were surprised that Bignone could be implicated in the military's murder machine. President Alfonsín himself said that he was sorry there were charges against General Bignone, who, although merely acting for the military junta formed by the three armed forces commanders, had called for the elections that brought him to power. The new American ambassador, Frank Ortiz, had called on General Bignone to congratulate him only a few days before he handed power over to Alfonsín. If anyone could be a Mr. Clean, it was the gray-haired general, the kind of man you'd meet on a train and go away thinking, "What a nice fellow."

Sitting in the Casa Rosada, I remembered how he had looked when I last saw him, in August 1979. He held the title of secretary general of the army, a post created to handle political affairs, and was reputed to be the regime's most moderate and most democratically minded officer. He had invited me and two of my colleagues on the staff of the Buenos Aires Herald to the army headquarters building, which towers over the Casa Rosada. It was the latest move in a sustained campaign to silence us, a campaign which had so far included routine death threats, a short spell for me in jail, and other forms of harassment and attempts to discredit the newspaper. General Bignone appeared gracious, kind, and concerned. The economy was booming, there was no opposition to El Proceso, as the military called its regime (Kafka was not required reading at the War College); and it looked as if the armed forces would remain in office forever. Bignone had been described to me as a cut above the average Argentine army general in intelligence and as a man of supreme confidence who carried his ambition lightly and expected to be president one day.

We had been summoned to discuss the Herald's irritating concern about "human rights." Alone among the entire Argentine press, the Herald, a 107-year-old, English-language newspaper with a circulation of sixteen thousands, consistently published reports in its news columns on the military regime's predilection for "disappearing" people. The Herald was a lone voice calling for a return to rule of law and for recognition of the Mothers of Plaza de Mayo. These brave women risked their lives by

keeping a silent vigil in the main square outside the Casa Rosada every Thursday afternoon; their way of demanding information about their abducted children. During the first three years of military rule, the existence of the mothers and of other embryonic human rights organizations was ignored, and even denied, by the entire Argentine media—with the exception of the Herald.

Lunch was a gentlemanly affair. Argentine whiskey was served before the meal, and the fine food was served in subtly elegant club-like surroundings. However, if the intention was to seduce us into joining the military's performing seals, General Bignone had made a mistake in his choice of guests: sitting directly across the table from me was a general I knew to be a notorious torturer. After we had finished eating, Bignone and two of the other officers claimed that they shared our concern about human rights violations. When he said he was skeptical about our claims that some groups in the military were still abducting people and holding them in clandestine prisons, I listed a spate of recent abductions. Bignone promised to investigate them. He admitted that "excesses" had been committed by the armed forces, but said that they had all taken place in the past and had been provoked by terrorism. He told us of his own narrow escape from death when left-wing terrorists exploded a bomb at his home—a favorite story of his.

Shortly after that lunch, the threats against my family and me intensified. In September 1979, Jacobo Timerman was freed after two-and-a-half years as a captive of the military; he was expelled from Argentina and stripped of his citizenship and all of his property except an apartment and an ancient Peugeot. That same week a group of thugs driving the usual Ford Falcons came to get me, but I was not at home. I left the country for a week, returning with guarantees from General Jorge Rafael Videla, Argentina's president at the time, that I would be safe. I was eventually forced out again three weeks later through an intimidation campaign against my family that culminated in an extraordinarily sadistic death threat letter sent to my youngest son, Peter, who was then 12 years old. He was warned to tell us all to leave Argentina before Christmas or we would be killed.

We left Argentina with two suitcases each. I thought we would be back within a month or so. Before my departure I had been granted a private audience with General Videla, who had assured me that he was determined to bring the violence under control. The story that we had to believe in order to go on fighting for decency in Argentina was that General Videla and those in key positions under him, like General Bignone, were "moderates" struggling to control the "extremists" within the armed forces. General Videla told me he did not think that armed service officers would actually kill any of us, although we could expect continued threats and harassment. He said he was worried that left-wing subversives would kill us in such a way that the government would be blamed. It would be better for us to leave. Indeed, he himself would like to retire, he told me. But he could not leave the presidency, because then some general would take over and flood the country in blood.

When we were living in the United States, we learned more, from a disillusioned colleague—an editor who had been both a friend and supporter of the country's military rulers. He told me that at an elegant dinner party the evening after our departure, General Carlos Suárez Mason (then the commander of the Argentine army's most powerful garrison and now a fugitive) had raised his glass in a celebratory toast and boasted of his cleverness in sending a death threat to my son as a way of ridding himself of me. We even learned the name of the colonel who had drawn up a plan to "disappear" me in such a way that the Montoneros, the Peronist guerrilla organization, would appear to be responsible.

In June 1982, General Bignone became president, but under conditions that were far from what he had hoped they would be. Because of his supposed political acumen, the junta appointed him to the job after Argentina's defeat in the Falklands, when the military government had fallen into abject disgrace. General Bignone's task was to try to arrange a deal with the politicans that would allow the military to slink away from the responsibility of government without giving up any of their power or privileges. My successor at the Herald wrote to me when Bignone took office. He said he thought it was a good sign, but he wasn't certain. Bignone seemed as affable as ever, he said, recalling our lunch with him. But perhaps that was what evil was, he continued. Someone who seemed so nice and normal—so unaffected by the horrors he must have known were going on.

In deciding to call elections, the armed forces had never contemplated surrender. It was simply a way of defusing public anger over the disgrace the military had brought upon Argentina. Argentines had witnessed not only the military's bungling of the Falklands war but also its savage treatment of its own soldiers, many of whom were roughed up just as if they had been suspects in the so-called "dirty war" against subversion. But the election strategy failed. The military had assumed all along that the Peronists would win, just as they has won every election they had been allowed to contest since their movement was born forty years ago. And Peronism, after all, has always been an extension of militarism. (Juan Peron himself was an army man. His proudest day came in 1973, when, after his rank had been restored to him upon his return to Argentina from eighteen years in exile, he donned his flashy general's uniform.) A deal had been worked out with the Peronist trade union leaders, who dominate the Justicialist Party. The Justicialists bring together the three branches of the Peronist movement—two separate political organizations for men and women, plus organized labor. In return for military support, the Peronists agreed not to prosecute the military commanders for violations of human rights, or to purge the armed forces.

The military had certainly not reckoned with a victory by the Radicals, the detested party that the army had turned out of office twice, in 1930 and in 1966. The Radicals emerged at the turn of the century as the party of the middle class and were overtaken in the 1940s by the Peronists, who won the allegiance of the newly emerged working class. Right up until the election smart Argentines considered the Radicals to be mediocre bourgeois has-beens. One of the major surprises of the election was the support Alfonsin received from the hardcore Peronist workers in the industrial belt around Buenos Aires. For the first time they rejected the strong-arm tactics of the Peronist trade union leadership.

The massive popular vote that Alfonsin won at the polls gave the generals no alternative but to accept the new president as commander-in-chief, a title that no civilian president before him has emphasized or, for that matter, exercised with any confidence. No other candidate could have been harder for the armed forces to accept. Before becoming a lawyer and entering politics, Alfonsin had been an army cadet himself, sharing a bunk with Albino Harguindeguy, who would go on to become a general and an interior minister in the military government, and who would earn a reputation for bullying and cruelty. (Harguindeguy was publicly exposed as a grafter when his wife sued for divorce and demanded half of the million or so dollars he had stashed away in a Swiss bank account.) I remember mentioning my admiration for Alfonsin to Harguindeguy in 1978. He spat out his reply, using the insulting diminutive of Alfonsin's Christian name, as he described "Raulito" as "an enemy of the armed forces."

To the contrary, Alfonsin's writings since the armed forces marched into the Casa Rosada on March 24, 1976, have been concerned with saving the military by reestablishing it as a democratic institution, which would then carry out its proper constitutional functions. Alfonsin's unrevolutionary radicalism is rooted in his parents' yeoman stock. Immigrants from Spain, they settled in Chascamus, a country town on the pampa southwest of Buenos Aires. They built a general store into a moderately prosperous family business supplying local farmers. Although he is a lawyer by profession, he has practiced politics—not law—all his life, and has managed, during Argentina's short interludes of democracy, to be elected successively as a town councillor, provincial senator, national deputy, and finally president.

Alfonsin's election was an unexpected triumph for democracy, which left the military naked in terms of honor and respect. But, as all Argentines were well aware, although the armed forces had been defeated, they still held "los fierros" (the hardware—or, in plain English, the guns). And as long as anyone could remember, having "los fierros" had been all that mattered in Argentine politics. The military commanders also sought to retain their immense economic power. Before Alfonsin's inauguration, his economic team sought agreement from the military to transfer to civilian ownership the nonmilitary factories that the armed forces have acquired over the years, and to reassert the civilian government's control over all state-owned enterprises. The economists encountered entrenched resistance. The armed forces, in calling elections, had hoped to avert precisely such a capitulation. Their huge industrial empire includes vast land holdings and factories that produce products from dentist drills to pickup trucks. They supervise the state-owned airlines and airports as well as shipping companies, seaports, and customs. They traditionally maintain control of the state-owned oil company, steel plants, petrochemical complexes, and mining interests. Altogether, the armed forces run a gigantic business enterprise, accounting for almost half of Argentina's gross national product. Alfonsin is still trying to dismantle this empire. He is working within the law, which has aroused some grudging respect from his opponents but has meant that progress will be slow.

Three days before Alfonsin's inauguration, as I waited to see him, I called an Argentine journalist who works for an American newsmagazine. "Do you remember," she said, "when we used to round up the politi-

cians for visiting journalists, and Alfonsin's would turn up at the Plaza Hotel in a dirty raincoat, with his suit all crumpled and smudged with cigarette ash? Who'd have ever thought he would be president?"

When I went in to see Alfonsín, he was holding his thirteenth grandchild in his arms. He was the same warm, decent man, the same convinced democrat, the same stickler for the law. But as Argentines discovered as they watched his campaign, something had happened to him. He had become the person who seemed able to save Argentina. The transformation he personifies is little short of miraculous. Few countries are granted a second chance at history. But today Argentina can pick up the democratic tradition which was broken in 1930 when a coup, sparked almost accidentally by army cadets, deposed the Radical administration headed by the ailing President Hipólito Yrigoyen. Argentina had enjoyed continuous democratic rule for sixty-eight years until the coup of September 1930. Ever since then, the military has cast its shadow over the country.

In dealing with the armed forces, Alfonsín has acted so far with both courage and restraint. I had expected him to order the arrest of all the armed forces commanders on the Monday after his inauguration. But he has eschewed confrontation. He has cut deeply down into the command structure of all three services, forcing the retirement of scores of top officers. He initially restricted arrests to the nine men who served as members of the three juntas which ruled Argentina from the coup of March 24, 1976, to the Falklands defeat. In January he ordered the detention of the former police chief of Buenos Aires, army general Ramon Camps, who has boasted in interviews with the press that he personally ordered the deaths of thousands of people, justifying the slaughter as necessary to break the terrorism that struck Argentina in the early 1970s.

President Alfonsín did not include in the arrest order the three commanders who formed the junta after the Falklands defeat and who decided to hold elections. Unlike Bignone, they have so far not been the subject of criminal investigations by civilian judges. But scores of other officers have been summoned to appear, under protest, in civilian court. After a number of the accused officers were menaced by angry crowds outside the courts, they began turning up with bodyguards, and several pitched battles ensued. It was, perhaps, the threat to constitutional government which could be sensed in the attitude of some of these rebellious officers that made Alfonsín take a conciliatory step that has cost him the support of many of his previous colleagues in the human rights movement. He quickly sent legislation to congress designed to ensure that all military personnel charged with crimes up to December 10, 1983, be tried by military courts. The same law rescinds this privilege for all crimes committed after that date. The government's public argument is that those responsible for, in Alfonsín's words, "sowing terror" when the military was in power should be tried according to the law in force at the time. The law then protected members of the military from appearing before civilian courts. Privately, members of the government admit that they do not want the military to feel cornered like a wild beast.

Alfonsín has challenged the military commanders to redeem themselves. Can they make themselves democratic? By placing the prosecution of those charged with "dirty war" crimes in the hands of the armed forces themselves, Alfonsín either has carried out a political masterstroke or, as many people in the human rights movement believe, has made a fatal political mistake. Many think that the military must be beaten into submission to civilian authority, and that this could have been achieved immediately after Alfonsín took office simply by applying the law. They fear not only that the military judges will let their comrades off lightly but also that the armed forces will see Alfonsín's decision not to subject them to civilian authority as a sign of weakness and an invitation to stage an eventual coup. The bill that finally emerged from congress establishes obligatory review by civilian judges of the sentences passed by the military on itself.

Alfonsín, who has consistently stressed that there is nothing more important than the reestablishment of rule of law in Argentina, has acted with impartiality in bringing justice to those responsible for Argentina's descent into hell throughout the 1970s. He has ordered the arrest of the leaders of the terrorist groups responsible for the murder of some eight hundred people (after which the military claimed anywhere from twelve thousand to thirty-five thousand lives in vengeance). Brazil has been asked to extradite Mario Firmenich, the leader of the Montoneros, who until his arrest on the request of the Argentine government had been living in an apartment overlooking Ipanema Beach in Rio De Janeiro.

Alfonsín has recognized that the primary source of Argentina's ills is moral. When he was elected leader of the Radicals last July, establishing the supremacy of the party's left-of-center social democratic wing he leads, he said: "When a country which once fed the world with its wheat is drowning in immorality and poverty; when a country which was free closes a noose of terror around its frontiers; when a country which signified life for the millions who came here kills it own children—then we have touched rock bottom. Only moral force can save us. With it we can create a new political system, a new society. It is that moral force that we can invoke in the fight for democracy. It is with that moral force that we will win. And Argentina will, once again, be a country of life."

For once in Argentina, the rhetoric had meaning. It remade "Raulito" and carried a meteoric campaign to an overwhelming 52 percent majority at the polls. It swept away the pretense that has clothed fifty years of decadence and had made people like Bignone and Videla, the capos of the military mafia, appear like "nice fellows." It has given democracy more than half a chance, and it has made daunting problems appear soluble.

Argentines have heard the claim "we have reached rock bottom" many times before—usually as justification for a military coup. But each successive government has proved worse than the one that went before, and Argentina's economic troubles have come to seem bottomless. Perón used to say that his political success was not because his government was so good, but because the others were so bad. With inherited inflation running at over 400 percent annually, the legacy of a foreign debt of $44 billion, and a peso that has been losing half its value approximately every three months, it would seem that Alfonsín cannot fail. He need only do badly instead of disastrously to be judged a success.

Alfonsín's fortunes ultimately depend, of course, on whether Argentines have been shaken awake by the terror of the last decade. Today's staunch democrats—it is as hard to find anyone who is not a democrat in Buenos Aires as it was in 1976 to find someone who was opposed to the military—are the same people who watched their neighbors being kidnapped by left-wing terrorists in the first half of the '70s and saw nothing; and who then watched their neighbors being dragged away by thugs in Ford Falcons without license plates and again saw nothing.

On one of our last evenings in Buenos Aires, my wife and I went to the house of a friend who had been one of the military's top civilian technocrats. We sat in his high-walled garden, talking late into a deep velvet night after sharing the everyday family meal of "asado"—tender barbecued ribs cut so that the bones are tiny discs running through the heart of thick slabs of beef. His attitude had always been like that of most Argentines: he did not want to know about the methods the military were using as long as he himself was not affected and the economy was doing well. As we ate, he was still unwilling to talk about the past. Perhaps he was concerned about what might happen to the military, and to him.

I described to my friend how, when I first arrived in Buenos Aires a few mornings before Alfonsin's inauguration, I had driven into the heart of the city, past the obelisk that celebrates Argentina's independence. It was the day that hundreds of people who had lost relatives in the "dirty war" were painting life-sized silhouettes of the six thousand known and listed desparecidos or the "disappeared." When I had left Argentina three years earlier, the Mothers of Plaza de Mayo were shadowy, ignored figures; the desparecidos were unnamed unpeople. I was astonished to see that warmth and love and sympathy had replaced the antagonism, hostility, and indifference. On paper torn from huge rolls of newsprint, parents were sketching the outlines and inscribing the names of their missing children; wives were commemorating their "disappeared" husbands, and husbands their wives; and children were making huge paper dolls of their missing parents. Some of the silhouettes had already been pasted on the base of the obelisk. It was the first time that the reality of six thousand people being routinely tortured and then systematically killed—their bodies disposed of like garbage, buried in unmarked plots, burned, or strewn in lakes, rivers, and the sea—had been openly expressed.

My friend's wife said that she had driven past the same plaza on the same day, and had seen nothing. And the mention of the once unmentionable made my friend jump to his feet, visibly angry. "What has happened is that the heroes have become culprits and the culprits have become heroes!" he said. Then he abruptly changed the subject.

But as the bodies of the *desparecidos* are disinterred from dismal burial grounds around Buenos Aires, the past is also disinterred. Much as they may want to, Argentines can no longer drive by the faces of the dead without seeing; they can no longer change the subject. To simply denounce the military and go on with life as usual is to repeat the mistake that permitted the repression: to believe that one bears no personal responsibility for society. Alfonsín's greatest challenge is not simply to force the military to admit its guilt, but to prod all

Argentines to acknowledge their complicity in the repression. Without confronting the past in all its horrific dimensions, Argentines may once again watch the promising future turn into a nightmare and refuse to understand why.

DEATH SQUADS IN EL SALVADOR: EX-AIDE ACCUSES COLLEAGUES

(By Stephen Kinzer)

A former Salvadoran military official has implicated high-ranking Salvadoran officials and civilians in acts of terrorism, including Roberto d'Aubuisson, a leading candidate for El Salvador's presidency.

The former official, who has served at the highest level of the security police in El Salvador, has given members of Congress extensive information on what he says are the inner workings of Salvadoran death squads, how and why they were formed, who directs and pays them and who selects their victims.

THE SALVADORAN'S CHARGES

He is believed to be the first officer with experience in the highest councils of the Salvadoran Government to accuse fellow officers publicly of violent political crimes.

It was not possible to obtain independent verification of the accusations by the officer, who asked to remain anonymous because of fear of reprisal. But a United States Senator who interviewed him says he will seek an investigation of the charges and a Congressman says he is confident of the former official's veracity.

These were among his charges: The network of death squads in El Salvador was shaped by leading Salvadoran officials, including Col. Nicolás Carranza, chief of the Treasury police, and former Minister of Defense José Guillermo García, and is still directed by senior officials.

The man who organized and continues to direct the squads is Mr. d'Aubuisson, a former army officer.

Mr. d'Aubuisson continued to receive a military salary through the late 1970's despite official accounts that he had been dismissed from the army.

Money for rightist terror in El Salvador comes from Salvadoran exiles living in the Miami area.

Government officials routinely ordered the police and soldiers to stay out of areas where political murders were about to take place and that they helped assassins get to refuges in neighboring Guatemala.

Veterans of Nicaragua's deposed national guard were used in some killings carried out by Mr. d'Aubuisson's squads.

Minister of Defense Eugenio Vides Casanova is personally directing a cover-up in the slayings of four American churchwomen in 1980 and that his cousin, a colonel, ordered the murders.

'I WOULDN'T WANT TO BE HIS PRISONER'

The officer making these charges was interviewed by The New York Times at a small hotel in the southern United States. He was known by journalists working in El Salvador in the late 1970's. Congressional staff members and Central America specialists who have interviewed him at length recently said they were confident of his credibility.

In his interviews with The Times, he portrayed himself as a supporter of the Salvadoran Government and a vigorous opponent of the guerrilla insurgency that has enveloped his country.

One of the two members of Congress who has met with him, Senator Paul E. Tsongas, Democrat of Massachusetts, said he was taken aback by the man's strong promilitary sentiments.

"Given the things he was saying, I expected some kind of liberal humanitarian," Senator Tsongas said. "What I found was one tough military veteran. I wouldn't want to be his prisoner."

The former official said he feared that if Mr. d'Aaubuisson won the election on March 25, his presidency might provoke a break between the United States and the Salvadoran Government, thereby possibly aiding the insurgent guerrillas. He expressed no sympathy for even the moderate left, calling the Christian Democrats Communist-oriented and corrupt and declaring that they were as great a threat to the country as Mr. d'Aubuisson and Colonel Carranza. He said he considered Mario Zamora, the Christian Democratic leader who was assassinated in early 1980, to have been "a Marxist agent who guided Christian Democratic youth into the hands of the guerrillas."

The former official said he had known Mr. d'Aubuisson for many years and considered him an "anarchic psychopath." He said he feared that "uncontrollable violence" would consume El Salvador if Mr. d'Aubuisson was elected President, and that this fear was one of the factors that led him to divulge closely held secrets.

Senator Tsongas said he would press the Senate Foreign Relations Committee, of which he is a member, to investigate each of the man's many charges about the involvement of the Salvadoran Government in acts of terror.

Representative James M. Shannon, Democrat of Massachusetts, who has also met with the Salvadoran, said he was confident of his veracity.

"He knew things that only someone who had access to the high command would know," Representative Shannon said. "He has the names and facts to substantiate what a lot of people have been saying."

Both Senator Tsongas and Representative Shannon are critics of the Reagan Administration's policy in Central America.

Other people familiar with the Salvadoran and his allegations said he had been known for his differences with Mr. d'Aubuisson. They said he might also be motivated by indications that young people close to him, possibly including relatives, may be developing ties to terror groups.

In interviews, the former official spoke several times of the number of Salvadoran youths who he said were being turned into members of death squads after joining Mr. d'Aubuisson's political coterie.

Allegations that death squads in El Salvador are tied to high military officers have been made before and have been cited by some Congressional critics of the Reagan Administration's policy in El Salvador.

In recent months the Administration has made new appeals to Salvadoran leaders to press for an end to death squad activity. Vice President Bush and Secretary of State George P. Shultz have both visited El Salvador to present the Administration case, and both said they were convinced the Salvadoran Government was making a serious effort to curb political violence.

The Salvadoran military command has publicly denounced the death squads, and military leaders have denied allegations that they are connected to violent acts.

"The death squads must disappear forever to prove our determination to combat them and our faith in the democratic process," Defense Minister Vides Casanova said in November. "All Salvadorans must oppose and denounce them so they will not only be illegal but condemned by everyone."

But according to the Salvadoran now sharing information with members of Congress, General Vides Casanova and other important Salvadoran officers have ordered or covered up acts of political violence.

He said he had personal knowledge of these crimes because his Government post had put him in direct contact with top military leaders. He said his office had regularly received sensitive information detailing the officers' participation in violence and that his agents sometimes monitored the development of assassination plots formulated by officers.

The present structure of rightist terror in El Salvador, according to the former official, grew out of the power sturggle that erupted between reformist and conservative military factions in 1979.

After the October 1979 military coup, leftists gained a foothold in the Government and formed a loose alliance with reformist officers led by Col. Arnoldo Majano, a member of the revolutionary junta. Rightists led by Defense Minister Garcia and Colonel Carranza, then his deputy, were alarmed at this alliance.

Their campaign to outmaneuver Colonel Majano and force him and his allies from the Government, according to the Salvadoran, secretly included a series of terrorist acts. Rightist officers, he said, hoped to destabilize the country and create conditions for a countercoup.

"García and Carranza asked d'Aubuisson to establish the Broad Nationalist Front with the object of supporting the armed forces and destabilizing Colonel Majano, who was becoming a problem for them," the Salvadoran said evenly. "He did a good job organizing street rallies and took on the task of eliminating people."

Mr. d'Aubuisson was supposedly out of the army at this time, but according to the former official he was secretly still receiving a salary. In fact, he said, Mr. d'Aubuissan actually received a substantial raise in his military pay during the time he was organizing the death squads in late 1979.

"García and Carranza gave him their most suitable men in each part of the country for his squads," the Salvadoran said. "The goal was to make it seem that the revolutionary junta was incapable of governing, to create chaos so they could push Majano out."

Colonel Majano was the target of sustained attacks from the right during his 14 months on the junta because of his support for land redistribution, nationalization of the banks and civilian control of the military. He is now in exile and reportedly lives in Mexico.

The former military official said he had direct knowledge of the participation of Mr. d'Aubuisson, General García and Colonel Carranza in the process of selecting death squad victims, many of whom have been trade unionists, student leaders, peasant organizers and others considered potentially sympathetic to the left.

He said many of the men who carried out killings or kidnappings understood that they were acting on Government orders and that such a conclusion was reasonable because the police were cleared from the scene before assaults and full opportunities for escape were provided.

GUATEMALA IS CALLED SCHOOL AND REFUGE

Mr. d'Aubuisson is known to have gone to Guatemala regularly during 1979 and 1980, and, according to the former military official, he was in contact there with Mario Sandoval Alarcón and Leonel Sismega Otero, the two leaders of the ultraright National Liberation Movement, a Guatemalan political party that has been linked to political violence. The National Liberation Movement was formed in the early 1950's with the help of the Central Intelligence Agency to overthrow the leftist Government of Jacobo Arbenz Guzmán, who fell from power in a C.I.A.-backed coup in June 1954.

According to the Salvadoran, Mr. d'Aubuisson and his men moved freely between El Salvador and Guatemala. In many cases, he said, assassins would drive directly from the scene of a murder in El Salvador to an airstrip where they would board a private plane for Guatemala.

Guatemala is the only country in Central America with a long history of death squad activity, and the former official said Mr. d'Aubuisson went there to learn how rightist squads were run. Trips to Guatemala after killings were also thought to protect the killers from possible private reprisals and from questioning by Salavadoran agencies not involved in the plots.

He said the Guatemalan Government was not fully aware of the extent of these ties and was not a party to the activities of the d'Aubuisson group, although its intelligence agencies were aware that Mr. d'Aubuisson was active there.

In Guatemala, the former military official said, Mr. d'Aubuisson met regularly with a small group of wealthy Salvadoran exiles determined to oust the Majano faction from the Government and repeal the legal changes that had cost many of them much money and positions of political influence. Members of this group regularly provided names of people they wanted killed, he said, and paid Mr. d'Aubuisson to carry out their wishes.

"These exiles now operate out of Miami and still have the same relationship with the squads," he said. "With Carranza now head of the Treasury police, there is no problem."

According to the Salvadoran, the two most stunning political murders of early 1980 in El Salvador, those of Mario Zamora and Archbishop Oscar Arnulfo Romero, were both planned and carried out by Mr. d'Aubuisson with money from exiles in Guatemala and under the protection of General Garcia and Colonel Carranza. At this time, the former official said, Mr. d'Aubuisson did not have a reliable team of Salvadoran killers and used veterans of Nicaragua's deposed national guard as triggermen for both assassinations.

The killing of Mr. Zamora, an outspoken activist who was a spokesmen for young leftists in the Christian Democratic Party and who held a Cabinet post under the revolutionary junta, happened when Mr. Zamora was engaged in a public feud with Mr. d'Aubuisson. Mr. Zamora was killed by a squad that broke into his home on the evening of Feb. 23, 1980.

Mr. Zamora's brother Reuben has become a leading spokesman for the Salvadoran revolutionary movement. He has said he believes Mr. d'Aubuisson helped plan his brother's murder.

A month after the Zamora killing, Archbishop Romero was slain while saying mass at a hospital chapel in San Salvador.

"As for the case of the Archbishop, d'Aubuisson simply ordered it after meeting with exiles in Guatemala," the former official said. "He formed the teams, his men followed the Archbishop to learn his habits and he picked the four men who carried out the operation and the eight others who made up the security group."

40 STICKS OF DYNAMITE ARE PRELUDE TO EXILE

Colonel Majano lost political ground continually through 1980, and most of the leftists in the Government, including two key junta members, were forced from office. At one point, Colonel Majano ordered the arrest of Mr. d'Aubuisson on charges of plotting a coup, but Mr. d'Aubuisson was quickly released through the efforts of Defense Minister Garcia.

As Colonel Majano drove near the Salvadoran Institute for Agrarian Reform on Nov. 11, 1980, a bomb made from 40 sticks of dynamite exploded just after his car passed. This assassination attempt was carried out by squads working for Mr. d'Aubuisson, the former official said.

Two weeks after the car-bomb attack, six members of the executive committee of the leftist Democratic Revolutionary Front were kidnapped and killed, an action the former military official said was also carried out by squads working for Mr. d'Aubuisson. In mid-December, Colonel Majano was finally forced to leave the junta. He fled into exile soon afterward.

The Salvadoran was in a sensitive Government post when the four American churchwomen were killed in El Salvador on Dec. 2, 1980. He said his post gave him the opportunity to watch a cover-up develop. American officials familiar with circumstances at that time confirmed that the Salvadoran was well situated to see the inner reaction of the Government to the killings.

He said the murder of the churchwomen was "an unusual case" that did not involve Mr. d'Aubuisson or what he described as "the normal structure."

"National guardsmen at the airport spotted the women, and they radioed for instructions," he said, speaking matter-of-factly and chain-smoking American cigarettes. "Two of the women were coming from a conference of Maryknoll nuns in Managua, Nicaragua, and the other two were known as suspicious.

"The word came down to eliminate them. It came from Col. Oscar Edgardo Casanova, who was in charge in that zone."

Salvadoran and American officials have said there is no evidence to suggest the five national guardsmen accused of killing the churchwomen were acting on orders. But critics, including relatives of the women, have expressed doubt that a crime of this magnitude would have been carried out spontaneously.

Colonel Casanova is a cousin of General Vides Casanova, then chief of the national guard and now Minister of Defense. Oscar Edgardo Casanova is now commander of the Salvadoran Army's Second Brigade, stationed at the western city of Santa Ana. He was transferred from La Paz, where the murders took place, weeks after the women were killed. His transfer was part of a shake-up that the former official said was principally designed to provide a pretext for protecting the women's killers.

According to the Salvadoran, the transfers sent a message to soldiers that they would be protected if they were implicated in crimes of violence.

He said Colonel Casanova's involvement in the killing of the churchwomen was known to several people at high levels of the Salvadoran Government.

"The men who did the killing have been promised that they will be freed through the judicial system, which means that they can never be put on trial again," the former official said. "If they don't name Casanova, they will get out of jail as soon as it is feasible."

KILLINGS SAID TO FOSTER MURDER AS WAY OF LIFE

The former official said that the January 1981 killing of José Rodolfo Viera, who headed the land redistribution program that many wealthy Salvadoran landowners bitterly opposed, was carried out by men working for Mr. D'Aubuisson. He described the two men who have been accused in the killing, Capt. Eduardo Alfonso Avila and Lieut. Isidro López Sibrián, as "intergral members of the d'Aubuisson gang."

Mr. Viera was killed together with two American labor advisers as they were dining at the San Salvador Sheraton. Lieutenant López Sibrián remains on active duty, and Captain Avila is "under the jurisdiction of a judge" while charges that he left the country illegally are investigated.

The political party Mr. D'Aubuisson now heads, the Nationalist Republican Alliance, emerged out of the Broad Nationalist Front as a vehicle for candidates in the 1982 election in El Salvador. Mr. d'Aubuisson became president of the Constituent Assembly after the 1982 election and is now the Nationalist Republican Alliance candidate for President.

According to the former official, Alliance money is routinely used to pay both campaign expenses for Mr. d'Aubuissons's presidential bid and expenses of death squads under his control.

"He formed them and he runs them," the Salvadoran said of Mr. d'Aubuisson and the death squads. "Campaign contributors in Miami know that their money is going for both purposes, campaigning and killing."

Because Mr. d'Aubuisson's squads have operated with such impunity, the former official said, many Salvadorans have followed his example and taken to murder as a way of resolving political grievances, personal quarrels or financial disagreements.

"Violence is consuming the country," he said. He said the exampel of Mr. d'Aubuisson had led "to a geometric increase in murders" over the last few years. People see that all they have to do is go out and shoot someone and nothing will happen to them, he said.

"Young people who want to do something for the country and for some reason are attracted to d'Aubuisson," he continued, "go to his office and ask what they can do to help. Someone gives them a gun and the name of someone to kill.

"It reaches the point where his hitmen get bored and ask him what operation they are going to carry out today. So he sends them out to kill a professor or throw a bomb at some union leader."

He asserted that José Napoleón Duarte, the Christian Democratic leader and the party's presidential candidate in the election this month, was told while he was serving as Provisional President in 1981 that Colonel Casanova was the man who ordered the killing of the American churchwomen. But he said Mr. Duarte chose not to act on the information for fear that doing so might produce a violent reaction.

Mr. Duarte has said he tried vigorously to pursue the case but was stymied by the military and a timid judiciary.●

TRIBUTE TO ED PULVER

● Mr. LAUTENBERG. Mr. President, the Hudson chapter of the A. Philip Randolph Institute and Labor Council for Latin American Advancement, AFL-CIO, will be honoring on April 6, 1984, one of New Jersey's most notable labor leaders and their founder, Ed B. Pulver. It is my pleasure to join in paying tribute to Ed for his lifelong commitment and service to his community and working men and women in New Jersey.

The depth and extent of his dedication is unparalleled. Ed, following the example set by his predecessor, Paul Hall, has been the guiding light of the Seafarers for over 40 years. In addition, Ed serves as the President of the Hudson Central Labor Council, and as the secretary-treasurer of the New Jersey State AFL-CIO.

Ed's activities go well beyond the realm of organized labor. Indeed, his civic leadership and humanitarian interests are well-known and admired by all. Ed has served under various gubernatorial administrations as the commissioner of pilotage, labor representative to the Private Industry Council, and as a member of the State Building Authority and Manpower Board. At the local level, Ed served as the commissioner of human resources in Hudson County, as a special deputy sheriff of Hudson County, and as a director at Christ Hospital in Jersey City. In addition, Ed was recently honored by the Jewish National Fund with their Tree of Life Award. It is clear that Ed can always be counted on to lend his able leadership and support.

Perhaps the most telling of Ed's accomplishments is his initiation of the May 1 Liberty Island parade. Now in its third year, the May 1 parade is held to protest the Communist occupation of Poland and the more recent martial law crackdown on the Polish workers and people. This parade demonstrates Ed's dedication to the most cherished of all our ideals—freedom.

Ed Pulver represents the height of public service and citizenship in America. His mixture of strong leadership and enthusiasm has won him admiration and respect throughout New Jersey. I ask that the Members of Congress of the United States join me in honoring Ed on this very special occasion.●

THE UNITED STATES-TAIWAN RICE AGREEMENT

● Mr. PRYOR. Mr. President, I recently received a letter from our Special Trade Representative, the Honorable William E. Brock, in regard to an agreement involving rice exports from Taiwan. As many Members of the Senate are aware, exports of rice from Taiwan have caused serious problems for American rice producers as they have significantly subsidized rice sales into traditional U.S. markets. The new agreement, which was signed about a week ago, will help our rice farmers and will insure that we can compete on a fair basis in world markets.

The agreement was reached after several rounds of talks were held, and after a section 301 complaint was filed with Ambassador Brock's office by the Rice Millers' Association. Additionally, I introduced legislation, and was prepared to have the Senate Finance Committee consider it during the renewal of the generalized system of preferences (GSP), which would have given the President the authority to impose additional penalties in instances where a country was found to have violated section 301 of the Trade Act of 1974.

Mr. President, I am very pleased this new agreement has been reached. I commend the efforts of Ambassador Brock and his staff, and I hope this agreement will signal an increase in our rice exports.

I ask that the letter I received from Ambassador Brock be printed at this point in the RECORD.

The letter referred to follows:

THE U.S. TRADE REPRESENTATIVE,
Washington, March 6, 1984.

Hon. DAVID PRYOR,
U.S. Senate,
Washington, D.C.

DEAR DAVID: I am pleased to inform you that we have resolved the section 301 complaint on Taiwan's rice exports. The Rice Millers Association (RMA) is very pleased with the agreement and has informed us that they are withdrawing their complaint. A notice to this effect will be placed in the Federal Register in the next few days.

The agreement, which is handled under the auspices of the American Institute in Taiwan (AIT) and the Coordination Council for North American Affairs (CCNAA), was completed today. It sets annual ceilings for the period 1984-1988 on exports of rice from Taiwan's Provincial Food Bureau. In 1984 Taiwan's exports will be restricted to 375,000 tons, which is significantly below last year's level of 550,000 tons, In each successive year, exports will be reduced progressively, reaching 200,000 tons in 1988. Total shipments for the entire five-year period cannot exceed 1,375,000 tons. We expect that at the end of the agreement Taiwan will have reached an equilibrium of domestic supply and demand, which will enable it to cease exports from Food Bureau Stocks after 1989.

The agreement includes a provision for annual consultations or more frequent consultations at the request of either party. I assure you that we will monitor the implementation of the agreement very carefully and will request consultations whenever appropriate.

Thank you for your support during the negotiations. There is no doubt that the extensive congressional support for our position was a major factor in reaching agreement.

Very truly yours,

WILLIAM E. BROCK.●

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL 12 NOON

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS

Mr. BAKER. Mr. President, I ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, four Senators be recognized on special orders of not to exceed 15 minutes each in the following order: Senators LUGAR, BIDEN, PROXMIRE, and MOYNIHAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, after the execution of the special orders, I ask unanimous consent that there be a period for the transaction of routine morning business until not later than 1:15 p.m. in which Senators may speak for not more than 2 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, at 1:15 p.m., the Senate will resume consideration of Senate Joint Resolution 73, which is the unfinished business. At some point tomorrow it will be the intention of the leadership to try to turn to the consideration of Calendar Order No. 704, which is H.R. 4072, to provide for an improved program for wheat. It is hoped that we may do so on a unanimous-consent agreement that would provide for temporarily laying aside the pending business and providing a time limitation, if possible, of about 3 hours for the consideration of the wheat bill or some variation of that arrangement. I will consult with the minority leader in the morning on that subject, and we will attempt to arrive at an agreement, if that is possible.

Senators should be on notice that it is the intention of the leadership tomorrow to try to reach the wheat bill without displacing the pending unfinished business except temporarily.

Mr. President, Senators are reminded that tomorrow the House and Senate will meet in joint meeting for the purpose of hearing an address by the Prime Minister of the Republic of Ireland. The leadership on this side urges Senators to come to the Senate

Chamber prior to 10:30 a.m. so that Senators may assemble to proceed as a body to the Hall of the House of Representatives at 10:40 a.m. for the purpose of attending the joint meeting just referred to, which will begin at 11 a.m.

I point out, since it is not a joint session, the Senate will not convene prior to that, but it is a joint meeting and it is appropriate that the Senate should assemble in order to proceed as a body. After the joint meeting, of course, the Senate will convene at 12 noon as previously ordered.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

Mr. President, in connection with the joint meeting tomorrow, I now ask unanimous consent that the President of the Senate be authorized to appoint a committee of Senators on the part of the Senate to join with the committee on the part of the House of Representatives to escort the Prime Minister of Ireland into the House Chamber.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW

Mr. BAKER. Mr. President, that is all I have. If the minority leader has nothing else—and I gather from the smile on his face and his absence of any other signal that he does not—I see the distinguished President pro tempore on the floor, and if he has nothing further, it will be the intention of the leadership on this side to ask the Senate to stand in recess.

Mr. THURMOND. I thank the Senator very much. I have nothing.

Mr. BAKER. I thank the President pro tempore.

Mr. President, in view of that, then, I move, in accordance with the order just entered, the Senate stand in recess until 12 noon tomorrow.

The motion was agreed to; and the Senate, at 6:10 p.m., recessed until Thursday, March 15, 1984, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate March 14, 1984:

DEPARTMENT OF LABOR

Frank C. Casillas, of Illinois, to be an Assistant Secretary of Labor, vice Albert Angrisani, resigned.

HOUSE OF REPRESENTATIVES—*Wednesday, March 14, 1984*

The House met at 3 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, as You have given us our lives, so may Your spirit give us hope. Our days are filled with the knowledge of all the conflicts of our world and our ears hear the anguish of people caught in the struggles of our time. Encourage us, O God of Peace, to use our energies and talents and abilities, our minds and our hearts, in ways that strengthen justice and hope in the lives of people everywhere. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

WE MUST MOVE TO REDUCE THE DEFICIT

(Mr. BEDELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEDELL. Mr. Speaker, on our hearings in the Agriculture Committee recently, the staff from the Congressional Budget Office appeared before us. They told us that their projections indicate that for 1989 if you take four items, defense, social security, medicare, and interest on the Federal debt, they will absorb roughly 100 percent of all of our revenues by 1989. We have some problems in medicare, and I am aware of that. Medicare and social security are funded from a separate fund. What they were saying was that all of our revenues will be absorbed by defense and interest rates by 1989 unless we do something.

Mr. Speaker, I have been out visiting my farmers, and I find that they are in terrible shape and they are screaming do something about the deficit so we can get those interest rates down. We are going to have that chance in a few weeks. The MX missile is going to come up for a vote. We are going to have a chance to reduce that deficit by somewhere from $20 billion to $70 billion. The MX missile is a missile without a mission. It is supposed to be a bargaining chip, but there is no bargaining. Negotiations have been terminated. Certainly the only use it could be is as a first-strike weapon. The Soviets will surely follow us to develop a similar weapon. Is this the direction in which we wish to move? I think not.

I urge this House to move to save this money; to do something for our farmers; to do something for our taxpayers; to do something for our economy and to move to reduce the deficit by voting down the MX missile.

NO STINGERS FOR JORDAN OR SAUDI ARABIA

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, today I am introducing a bill to block a potentially dangerous sale of sophisticated weaponry to Jordan and Saudi Arabia.

The Reagan administration has notified Congress of its intention to sell over $277 million worth of Stinger missiles to Jordan and Saudi Arabia. The Stinger is an advanced antiaircraft weapon that has not been fully deployed to our own forces, nor has it been sold to any non-NATO country except Japan.

The sale of the Stingers would have an adverse effect on the delicate military balance in the Middle East. Not only would this sale pose a threat to Israel, but also we can never be certain that these sophisticated missiles would not end up in the hands of terrorists or Soviet military advisers now in Jordan.

The United States should not sell our most advanced systems to these nations until they support the Camp David peace process—the cornerstone of our policies in the region. The sale of Stingers would serve as an unwarranted reward to nations who refuse to seek peace.

Such a sale now also would be contrary to the position taken by a majority of both the House and Senate which is on record as opposing a sale of such weaponry to Jordan unless and until King Hussein joins in direct peace negotiations with Israel.

Congress must not permit this sale to proceed.

MERGER FEVER

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, over the past several weeks, a number of major corporations have announced proposed mergers. Last month, the FTC approved the takeover of Getty Oil Co. by Texaco, and it is expected that the FTC will open the door for the largest corporate marriage in history by approving the purchase of Gulf by Standard Oil Co. of California.

While these mergers may have some positive implications for both the industry and the consumer, the fact remains that the concentration of power in any one industry can have an anticompetitive impact resulting in higher prices. I am firmly committed to the principles of a free market system. But for any free market system to work properly, it must be free of monopoly power. Before I make any decisions on this issue, I think Congress should take a close and careful look at these proposed mergers in the oil and steel industries. We should also examine the drain hostile merger attempts have on the economy.

Mr. Speaker, considering the split in the administration regarding the current wave of mergers, I think Congress owes it to the American consumer to play a role in this debate over antitrust policy.

THE LEGACY OF ST. PATRICK

(Mr. McNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McNULTY. Mr. Speaker, Saturday is St. Patrick's Day, and all Ireland will relax the strictures of the Lenten season for 1 day to honor the patron saint, Patrick, who, whatever else we may know about him, was no Irishman.

He did leave a legacy that 1,500 years later is as intact now as it was then, Quite simply, the conversion of an entire people from a Druidic faith to a Christian faith which, to a remarkable degree, statistically persists in that land.

So, today 95 percent of the people of the Republic of Ireland practice the religion which St. Patrick gave to them and of that percentage, very nearly 99 percent are true believers of the faith, the dogma of that land.

This is also the nation which has never invaded any other nation, which has never declared war on any other people, and which has managed to incite a sense of belief in liberty and traditions in the right things of life, notwithstanding the small band of assassins that occasionally sully the scene.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.
● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

WE MUST PASS THE SMALL BUSINESS ADMINISTRATION AUTHORIZATION

(Mr. EVANS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVANS of Illinois. Mr. Speaker, the Small Business Administration authorization before us today contains two provisions of tremendous importance to my constituents in west central Illinois.

First, it would distribute SBA direct loan funds to SBA district offices according to the number of unemployed in each district. In the midst of the national recovery, unemployment in my district has actually risen so far this year. Since small businesses create the large majority of new jobs, this provision of the SBA bill would be very helpful.

Second, the bill specifies that small businesses facing economic injury as a result of the payment-in-kind program would be eligible for SBA disaster loans. The farm machinery, fertilizer and seed dealers in my district suffered devastating losses last year as their contribution to a healthier farm economy. They deserve the consideration this bill would provide them.

I strongly urge my colleagues to support the SBA authorization.

□ 1510

VOTE AGAINST THE MX MISSILE FUNDING

(Mr. OLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLIN. Mr. Speaker, within a few weeks, the House will have another chance to terminate funding for the MX missile. I urge the Members to do so.

A year ago, many of us agreed to go along with the President on the MX on the basis that he really needed it for effective bargaining. We gave him a chance to make good his commitment to bargain the missile away.

It is now clear that he has not done so nor does he appear to have any intention of doing so.

The MX remains an expensive, vulnerable transitional weapon of no value. This year we should put an end to its development and funding so we can get on with the job of strengthening our defense in ways that will protect our security.

HOUR OF MEETING ON TOMORROW

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:20 o'clock on tomorrow morning for the purpose of receiving His Excellency, the Honorable Garret FitzGerald, the Prime Minister of Ireland.

The SPEAKER. The gentleman means the Taoiseach of Ireland.

Mr. WRIGHT. The Taoiseach of Ireland.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

PAY-AS-YOU-GO STRATEGY ON DEFICITS

(Mr. BATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, I rise today because the American people are urgently looking toward this Congress to address the problem of our mounting Federal budget deficits. As yearly deficits climb above $200 billion and the public debt threatens to top $1 trillion 500 million, my constituents in California's 44th District want solutions. I feel confident that this body can act responsibly and reduce deficits by at least $30 to $50 billion this year.

House Resolution 411, which I authored, calls on President Reagan to share responsibility with Congress for reducing the budget deficit by resubmitting his budget proposal for fiscal year 1985 after including an additional $30 billion in cuts.

There are also several good proposals in the House of Representatives which combine budget cuts and the closing of tax loopholes to reduce deficits.

Congressman GEORGE MILLER has proposed freezing budget authority for fiscal year 1985 at essentially last year's levels and tying any additional funding increases authorized by Congress to revenue-raising measures or budget cuts. This pay-as-you-go strategy is one good way to stem the tide of rising deficits and I urge the House Budget Committee to seriously consider it.

We can and we must join in a bipartisan effort to answer the challenge posed by the American people. We must begin reducing deficits this year if we hope to restore fiscal responsibility for this and future generations of Americans.

PLAYING POLITICS WITH STARVING AFRICANS

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, regrettably, President Reagan is today playing politics with the great human tragedy of hundreds of millions of starving Africans.

The administration is trying, in the other body, to link its controversial proposals for more covert military aid for the Nicaraguan rebels, some $21 million, and more military aid for El Salvador, some $93 million to a bill providing emergency food aid for 18 draught-stricken African nations.

The administration wants to fast-track its military aid proposals, by attaching them to this urgently needed humanitarian aid package.

Mr. Speaker, the estimated 150 million Africans affected by the current famine cannot wait for us to settle our differences with the White House on spending additional military aid in Central America. We should not hold the survival of these starving people hostage to a controversial military aid program that demands the full and complete consideration of both bodies.

The Appropriations Committee and the full House acted quickly and responsibly in approving the urgent supplemental African food aid bill. The administration should allow the other body to do the same so we can get this much needed food aid to those affected now, before starvation needlessly consumes more innocent lives in Africa.

GET THE PRESIDENT IN LINE WITH FOOD AID FOR AFRICA

(Mr. DORGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN. Mr. Speaker, the gentleman from California has accurately outlined the situation on Africa food aid. We passed a bill in this House last week to try to give some food relief to the people who are starving in Africa today; 100,000 people have starved in Mozambique alone, 150 million more are hungry in sub-Saharan Africa. Yet this administration is saying in order for us to give food to people in Africa who need it, they want to send along some guns to people in Central America who do not.

I have been in the mountains between Honduras and Nicaragua. I have talked to the Contra soldiers. I have talked to a gamut of people in El Salvador. They do not need more guns. They need more food there as well. But most desperately, we need to unlock this hitch between Central America and Africa.

In Africa today, this minute, this hour, people are dying because they do not have enough to eat while our grain bins are bulging. We have taken emergency action in this House and I think it is disgusting and reprehensible that this President will not allow that action to go through and be signed that we might rush food to starving Africans. I am so furious when I read the press reports about

what this administration is doing with food relief to Africa that it is hard for me to describe.

Sometimes we do the right thing, and then folks downtown mess it up. If we want some respect for this Government and for this body, let us get this President in line with urgent food aid for the hungry continent.

Every week we delay means thousands will die of starvation and hunger-related diseases in Africa. Every week we ship more arms to El Salvador means that 100 people will die at the hands of right-wing death squads and their government cronies.

ADMINISTRATION ACTION JEOPARDIZES AID TO AFRICA

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, last week, this House, in a tremendous demonstration of bipartisanship and humanitarian concern, adopted overwhelmingly a piece of legislation, an appropriation measure providing for $150 million in famine relief assistance to the starving peoples of Africa. That money and the food that it will buy goes directly to save people from starving to death. Already, within the past year, 100,000 Mozambicans, 100,000 Ethiopians, and countless others in 22 other sub-Saharan countries have starved to death. The House and the Appropriations Committee, acted in a bipartisan manner, over the administration's objections.

The Senate was prepared to follow suit. But the administration, in the most indecent demonstration imaginable, has now tacked on a $93 million military aid to El Salvador item, plus a $21 million covert assistance item for the contras in Nicaragua to the legislation pending in the Senate. By its action, the administration jeopardizes both, urgent action as well as the famine relief program. It will, in that event, be directly responsible for the starvation of additional countless thousands.

Mr. Speaker, I urge the administration to rethink its position and the Senate to correct its ill-thought-out action.

NOBLE RESISTANCE OF THE POLISH PEOPLE

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, once again, the news from Poland is ominous. Once again, an order issued by the Soviet puppet government of General Jaruzelski is trying to strip away a basic right from an important segment of the population. Once again, we see the inherent tyrannical nature of martial law trying to crush the spirit of the Polish people. However, once again, the noble resistance of the Polish people shows that this spirit will not be broken.

The issue is a government order first issued in December 1983 banning the public display of crucifixes in public schools and hospitals. This blatant act of suppression against the large Catholic population in Poland has evoked mass protests throughout Poland. First hundreds, and now thousands, of Polish Catholics, mostly students, are taking to the streets to demonstrate against this order. This dramatic show of strength has helped the Catholic Church to hold firm in their position against this order.

It is my fervent hope that the resistance of the Polish people and opposition heard from other quarters of the world will force the Polish Government to rescind this order which is so morally repugnant. The unrelenting spirit of freedom which is so much a part of the Polish people is once again being put to the test by the Polish Government. Right should always triumph over might and I hope this will apply in Poland.

□ 1520

UNUSUALLY HARSH WEATHER BLAMED FOR SURGE IN FOOD PRICES

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, very recently, a wire service story reporting on the Consumer Price Index began with this brief paragraph:

I quote now—"Soaring food prices, caused mostly by unusually harsh weather, boosted consumer prices 1.6 percent in January, the biggest increase in 9 months, the Government said Friday." That ends the quotation.

The story noted accurately that the increase it reported was due primarily to a combination of weather conditions—ranging from last summer's drought to the recent winter freeze.

The January food increase was not due to farm price supports or to subsidies. It was not due to any of those things we get accustomed to hearing about from people who criticize farm programs. It was due, as I said, to unusual and temporary weather conditions.

What I am afraid of, however, is that some Americans may tune out after the first few words of the wire service story—the words about "soaring food prices." Some people may forget the reason for that 1-month bulge. And if that happens, they may come to some very badly mistaken conclusions about American agriculture.

This is why I am here on the floor today. Later this month, the country will be observing National Agriculture Day. And I want to remind the House and all Americans that farmers are doing a magnificent job of feeding this country at prices that have generally been more than fair to the average consumer.

Mr. Speaker, I intend to make a series of short speeches on this subject for the information of my colleagues in the House and, hopefully, for the attention of many other Americans. Today I want to cite just a couple of facts that deserve our attention.

The Agriculture Department reports that in 1983, the retail cost of food in a typical consumer market basket went up slightly, but the farm value of that market basket went down by 2 percent. The Department's records show that the farmer's return for the market basket last year was down to the lowest level since 1980. On top of that, the farmer's share of the consumer food dollar last year was down to the lowest level in at least 20 years.

Those are just a few of the facts I think we should keep in mind about the farmer and our food prices. I hope we can look at more of those facts later.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4170, TAX REFORM ACT OF 1983

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 98-617) on the resolution (H. Res. 462) providing for the consideration of the bill (H.R. 4170) to provide for tax reform, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR SUBCOMMITTEE ON SCIENCE, RESEARCH AND TECHNOLOGY OF COMMITTEE ON SCIENCE AND TECHNOLOGY TO MEET TODAY DURING THE 5-MINUTE RULE

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the Subcommittee on Science, Research and Technology of the Committee on Science and Technology be permitted to meet while the House is proceeding today under the 5-minute rule.

Mr. Speaker, this request has been cleared with the minority.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

GSP REVISION ACT OF 1984 WOULD PROVIDE NEW APPROACH TO OUR TRADE POLICY

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, next January the U.S. generalized system of preferences (GSP) program will expire. The debate over whether to reauthorize the GSP program presents an intriguing opportunity for us to consider a new approach to our trade policy to create genuine economic development in lesser-developed countries (LDC's), to recognize and attempt to reverse the exploitation of the workers in LDC's, and to address the legitimate concerns of American workers and industries about unfair foreign competition.

I want to emphasize that there are weaknesses and inefficiencies in the current GSP program. Today I am introducing the GSP Revision Act of 1984 to more equitably distribute the benefits of GSP to those LDC's most in need of them. Further, my bill will provide material incentive to the LDC's participating in the GSP program to treat their workers fairly.

ERA-ABORTION CONNECTION

(Mr. DEWINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEWINE. Mr. Speaker, last November 15 the leadership of this body attempted to push through an unamended ERA under suspension of the rules. I along with a number of my colleagues opposed this procedure because of our concern that an unamended ERA would require the use of taxpayer funds for abortion on demand.

From those who disagreed, the cry was that there was no abortion-ERA connection and that this was just a smokescreen behind which lay basic opposition to equality for all. Time and time again we were asked to show one State court that had found that a State ERA demanded taxpayer funds for abortion on demand.

Well, Mr. Speaker, last Friday the Pennsylvania Commonwealth Court ruled that their State ERA renders their State version of the Hyde amendment unconstitutional. Taxpayer funds must be used for abortion on demand. There can be no doubt that there is a valid and disturbing abortion-ERA connection.

Mr. Speaker, I am prolife and a supporter of equal rights for women. Let us amend the ERA to make it abortion neutral. Let us stop teasing the American people with an ERA that cannot pass this Congress or the required number of State legislatures.

PAWTUCKET NATIVITY SCENE CASE POINTS UP NEED FOR VOLUNTARY SCHOOL PRAYER AMENDMENT

(Mr. BETHUNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BETHUNE. Mr. Speaker, I believe that passage of the voluntary prayer in school amendment is imperative, particularly in light of the Pawtucket nativity scene case which the Supreme Court decided last week. By a 5–4 decision, they said that if you mix the nativity scene with enough nonreligious events such as Santa Claus, reindeer, signs, bells, and carollers, then, since it is in connection with a legitimate secular purpose, it could be displayed.

This was the right decision, but for the wrong reasons. Nativity scenes and prayer in school should be allowed because we as a people do trust in God and because it is constitutional and in keeping with what our forefathers intended for us, and not because the Court engages in a legal fiction by which it reduces and degrades religious expression to a nonreligious purpose. The fact is: The Court is tangled up in its own rhetoric and does not have the courage to reverse itself.

Mr. Speaker, we need the amendment for that reason.

ATTEMPT TO OBTAIN CONSIDERATION OF LINE ITEM VETO CONSTITUTIONAL AMENDMENT

Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. BURTON of Indiana. Mr. Speaker, for the 25th time, on behalf of the Republicans of this House, I would hope to offer a unanimous-consent request calling for consideration of a line item veto constitutional amendment.

The Chair has ruled that in order to make this request, I must have the clearance of the majority and the minority leaderships. This request has been cleared by the minority leadership, and I would now yield to a spokesman from the majority leadership for appropriate clearance.

I am sure the Members are for a balanced budget, so once again I will state that I yield to a spokesman from the majority leadership for appropriate clearance for consideration of this amendment.

Mr. Speaker, I hear no response for the 25th straight time. That should make it clear to the American people who stands in the way of a line item veto and cutting Federal spending—the Democrat leadership of this House.

ATTEMPT TO OBTAIN CONSIDERATION OF BALANCED BUDGET CONSTITUTIONAL AMENDMENT

(Mr. KRAMER asked and was given permission to address the House for 1 minute.)

Mr. KRAMER. Mr. Speaker, at this time I would hope to offer a unanimous-consent request calling for consideration of an amendment to require a balanced budget.

The Chair has ruled that in order to make this request, I must have the clearance of the majority and minority leaderships. This request has been cleared by the minority leadership. I would now yield to a spokesman from the majority leadership for appropriate clearance.

Mr. Speaker, I hear no response. That should make it clear to the American people precisely who stands in the way of a balanced budget. The Democratic leadership has once again thwarted the will of the people by obstructing consideration of this vital and urgent issue. I might add that if the House Democratic leadership does not change its ways, the American people will take the balanced budget issue out of the hands of Congress and convene a Constitutional Convention to draft a balanced budget amendment themselves.

ENCOURAGING SUPPORT FOR THE FAIR TRADE IN STEEL ACT OF 1984

(Mr. HILLIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIS. Mr. Speaker, I am proud to be a cosponsor of H.R. 5081, the Fair Trade in Steel Act of 1984.

The American steel industry is in serious trouble and it is time that the Congress moves to meet this crisis immediately. With foreign governments supplying export subsidies ranging from 26 to 80 percent, the American steel industry is being shoved out of its own market. In January, dumped foreign steel accounted for a staggering 26-percent share of the American market.

Meanwhile, here in this country, employment in the steel industry has fallen 46 percent since the late 1970's and does not appear to be sharing in the economic recovery. How much worse do things have to get before we realize we must act?

H.R. 5081 addresses this problem of unfair foreign competition and gives the steel companies a chance to retool for the future. For the sake of our economy and our national defense, we must give the domestic steel industry the time it needs to modernize.

To those who oppose this legislation because it interferes with the free

marketplace, I say to you: There is no free marketplace. The American steelworkers are not industrial robots that can be simply unplugged. They are people with families to support. We cannot let them be thrown away like a rusted piece of machinery. It is time to recognize that we must act now to correct this serious trade inequity before our domestic steel industry is further damaged.

I urge my colleagues in the House to join with me in cosponsoring this legislation so that we, together, can search for favorable action from the other body as well as from the administration.

□ 1530

THE LATE HONORABLE WILLIAM MEYER

(Mr. JEFFORDS asked and was given permission to address the House for 1 minute.)

Mr. JEFFORDS. Mr. Speaker, it is with sadness that I inform the House of the death of William Meyer, who passed away on December 16, 1983.

Representing the State of Vermont, Bill was a Member of this distinguished body during the 86th Congress. He was living in West Rupert, Vt., when he died suddenly at the age of 68.

I will hold a special order on the floor of this Chamber on Tuesday, March 27, in honor of our distinguished former colleague. I invite my colleagues who worked with Bill Meyer in the 86th Congress to join me in that tribute on March 27.

DEADLY MYCOTOXINS—"YELLOW RAIN"

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Mr. Speaker, I was greatly disturbed over the past few days to see on the back pages once again mention of the deadly mycotoxin—yellow rain—and its usage, in violation of the 1925 Geneva Protocol and the 1972 Convention on Biological and Toxic Warfare.

This is truly a horrible weapon and this Government of ours and our Congress in particular, are not doing enough to try to get to the bottom of this and stop it.

Yesterday in the Wall Street Journal there was an article describing the effects of this mycotoxin and its use in the Iranian-Iraqi war.

The first effect after an attack • • • is nausea and bleeding from the nose, mouth, and intestines.

Then there is an "absolute breakdown of the functioning of the body." • • • Burning of the skin results in pus formations due to contamination by microbiological flora. Then the mycotoxin goes to work inside the body. It breaks down the immune response as white blood cells are no longer produced. The lungs go within 48 hours. Bone marrow ceases to replenish the blood with nutrients. The gastro-intestinal system collapses. Doctors say the kidneys would go next, though so far none of the patients has lived to this stage.

We have got to do more to get to the bottom of this and enforce the Geneva accords against biological and chemical warfare. The fate of humanity is at hand. I charge my colleagues to get on with pursuing this matter, as well as this administration.

DAM SAFETY AMENDMENT

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, tomorrow, the House plans to take up H.R. 1652, the Reclamation Dam Safety Act, which authorizes $650 million in Federal funds for water resource projects in 17 Western States.

I plan to offer an amendment that would require the beneficiaries of such projects to repay the American taxpayer for the improvements we would provide them under this bill.

Contrary to criticism, my amendment would not delay needed improvements. Rather, my amendment would merely change the way these improvements were paid for.

Instead of another taxpayer giveaway, we would be establishing a user's fee paid by those who benefit from the water and hydroelectric power provided by the dams that would be improved under this bill.

This amendment is the same as one I offered successfully 2 years ago. This time, however, the amendment is opposed by some officials in the Reagan administration.

One official told me that the money involved was, and I quote, "Just a drop in the bucket."

Well, I do not think that half-a-billion dollars is just a drop in the bucket. And the taxpayers do not think so, either.

But I do think that it is this attitude that has directly led to the $200 billion deficit now threatening our economic recovery.

My amendment has the support of the National Taxpayers' Union and just about every environmental group in the United States, including the National Wildlife Federation.

I urge my colleagues to support it as well.

THE VOLUNTARY SCHOOL PRAYER CONSTITUTIONAL AMENDMENT

(Mr. FIELDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS. Mr. Speaker, at this time I would hope to offer a unanimous-consent request calling for consideration of the voluntary school prayer constitutional amendment.

This Chair has ruled that in order to make this request I must have the clearance of the majority and the minority leaderships. This request has been cleared by the minority leadership.

I would now yield to a spokesman from the majority leadership for the appropriate clearance.

Mr. Speaker, I hear no response.

Mr. Speaker, this marks the 25th time that the Democratic leadership has turned down this request—the 25th anniversary. This should make it clear to the American people who stands in the way of voluntary school prayer. It is the Democratic leadership of this House of Representatives who stands in the way.

THE PERFORMANCE OF HOUSE COMMITTEES ON THE DEFICIT

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, we have heard a lot of talk on this floor over the last several weeks about deficits, about how the President is responsible for the deficits in the country. We always hear that talk from the Democratic side of the aisle. A lot of that talk has been irresponsible. It has gone to the point that yesterday the majority leader came to the floor and accused the President of lying on this issue.

Well, I would suggest that what we ought to do is look at the performance of the committees in this Congress thus far on the issue of deficits. The President did come in here with a budget deficit that I regard as far too large. What has happened to the budget deficit as acted upon by the committees of this House, by the Democratically controlled committees. Thus far five committees have reported. Of those five committees, they have added $18.5 billion to the President's already too high budget deficits. They have added to—not subtracted from—and what they will tell you is, oh, we are going to cut it out of defense. Well, the Armed Services Committee has also reported now. They reported cuts of $7 billion. That leaves $11.5 billion of deficits over and above the President's request that has been put forth by the Democrats.

I would suggest to my colleagues that this shows whose performance belies their words. The performance is such that what they are doing is adding to the deficit, not subtracting from the deficit. It is high time that the American people take a look at ac-

tions which do not match up with language.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that tomorrow, when the Houses meet in joint meeting to hear an address by the Prime Minister of Ireland, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Children of Members will not be permitted on the floor and the cooperation of all the Members is requested.

Members should be advised that there will be a call of the House shortly after the House convenes at 10:20.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

The Clerk called the committees.

□ 1340

SMALL BUSINESS AUTHORIZATIONS AND AMENDMENTS

The SPEAKER. Pursuant to House Resolution 365 and rule XXIII, the Chair declares the House in the Committee of the Whose House on the State of the Union for the further consideration of the bill (H.R. 3020) to amend the Small Business Act, and for other purposes, with Mr. LEVIN of Michigan in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, March 13, 1984, title I, was open for amendment at any point.

Are there any amendments to title I?

PARLIAMENTARY INQUIRY

Mr. MITCHELL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. MITCHELL. Is it clear that we are reading and proceeding with the bill title by title?

The CHAIRMAN. The gentleman is correct.

AMENDMENT OFFERED BY MR. MITCHELL

Mr. MITCHELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MITCHELL: Page 2, line 5, strike "$295,000,000" and insert "$303,500,000".

Page 2, line 8, strike "$15,000,000" and insert "$20,000,000".

Page 2, line 17, strike "$2,930,000,000" and insert $3,030,000,000".

Page 2, line 22, strike "$250,000,000" and insert "$350,000,000".

Page 3, line 17, strike "less" and all that follows through "1983" in line 19.

Page 4, line 4, strike "$1,439,700,000" and insert "$986,390,000".

Page 4, line 5, strike "$1,112,000,000" and insert "$670,390,000".

Page 4, line 12, strike "$313,400,000" and insert "$295,000,000".

Page 7, line 8, strike "$15,000,000" and insert "$20,000,000".

Page 7, line 22, strike "$340,000,000" and insert "$350,000,000".

Page 9, line 2, strike "$1,351,300,000" and insert "$1,075,100,000".

Page 9, line 3, strike "$999,000,000" and insert "$747,300,000".

Page 9, line 10, strike "$331,300,000" and insert "$306,800,000".

Mr. MITCHELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. MITCHELL. Mr. Chairman, my amendment increases the program authorization for total direct loans in fiscal year 1984 from $295 million to $303.5 million, the amount which has been appropriated pursuant to authorizations in existing law. As a part of this increase, it also increases direct loans to handicapped in each of fiscal years 1984 and 1985 from $15 million as now stated in the bill to $20 million.

The amendment increases the program authorization for total loan guarantees in fiscal year 1984 from $2.93 billion to $3.03 billion, including guaranteed loans to development companies in each of fiscal years 1984 and 1985 from $250 and $340 million, respectively, to $350 million.

The amendment reduces a subauthorization for budget authority for salaries and expenses for fiscal years 1984 and 1985 from $313.4 and $331.3 million, respectively, as now stated in the bill to $295 million and $306.8 million, respectively.

The amendment reduces a subauthorization for budget authority for loan programs in fiscal years 1984 and 1985 from $1,112 and $999 million, respectively, as now contained in the bill to $670.39 and $747.3 million.

Finally, it also reduces total budget authority for fiscal years 1984 and 1985 from $1,439.7 and $1,351.3 million, respectively, as now contained in the bill to $986.39 and $1,075.1 million, respectively.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. I yield to my distinguished colleague from Pennsylvania.

Mr. McDADE. I thank my colleague, the chairman, the distinguished gentleman from Maryland (Mr. MITCHELL) for yielding.

Let me say on this side we fully support the efforts to tighten the bill and commend the chairman. We agree with what he is doing and urge the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. MITCHELL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HILER

Mr. HILER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HILER: Page 7, line 17, strike "$4,010,000,000" and insert in lieu "$3,056,000,000".

Mr. HILER. Mr. Chairman, my amendment seeks to hold the 1985 authorization for regular SBA-guaranteed loans to the level appropriated for fiscal year 1984. It does not affect guaranteed loans for the handicapped, for development companies, for the economic opportunity loan program or for the energy loan program.

In terms of dollars, it reduces the 1985 authorization for regular guaranteed loans from $3,564,000,000 to $2,600,000,000 for a net program reduction of $964,000,000.

Three reasons support this action. First, the amount is only slightly less than the amount requested by the SBA for 1985. If the SBA believes it can adequately meet its needs for less than $3,564,000,000, then I think we in Congress should listen.

Second, despite what some are quick to believe, guarantees do cost money. The SBA estimates, from experience, that over a 6-year period, the cost to taxpayers in actual outlays is 18 percent of the total guarantee amount for a given year. In this case, the $3,564,000,000 in guarantees H.R. 3020 seeks will cost taxpayers some $641,520,000 in repurchases over 6 years. That's over half a billion dollars. At the $2,600,000,000 level, the cost is reduced to $468,000,000, for a savings of $173,000,000.

Of course, $173 million is not going to balance the budget. But it does represent an attitude that we in Congress need if we are ever going to succeed in reducing taxpayers' costs—and this is my third reason. Whenever we have an opportunity to do some careful pruning of costs while still meeting the needs of a program, we should do it, whether it is $173 million, $200 million or just a mere $1 million.

We will not be hurting small businesses by doing this. Resources are available from the private sector. And we will be taking a step—granted small—at reducing the deficit that promises to hurt an improving economy that has gone so far to help so many small businesses.

We cannot reduce the deficit by thinking and saying, year after year, oh, well, it's a small increase, or it's a smaller increase than last year. Increases are increases, and to claim a victory because an increase is

small is somewhat hollow as we continue to wring our hands over deficits.

What we need to think and say is, we can meet the need with the same amount as last year, or, better, let's find a way to do it for less.

My amendment is part of an attitude that seeks savings wherever and whenever we can find them. I think we all know that if we are ever going to control the deficit, a new attitude, and some sharp eyes and pruning shears, are needed.

I urge your support.

Mr. DAUB. Mr. Chairman, will the gentleman yield?

Mr. HILER. I yield to the gentleman from Nebraska.

Mr. DAUB. I want to associate myself with the gentleman's remarks, indicating that he has been indeed on this subject a leader in the committee. The committee will remember that indeed that was a record vote on this matter and it was essentially an amendment that lost on a fairly straight party line.

The idea that this particular aspect of our work in the small business community is indeed an answer to small business' problems has I think been discredited over the last 3 years. Much progress has been made on the idea of pruning back the guaranteed loan program, and the gentleman deserves a lot of credit for his initiative.

Mr. HILER. I appreciate the gentleman's support and I yield back the balance of my time.

Mr. MITCHELL. Mr. Chairman, I rise in opposition to the amendment.

First of all, let us make it clear that there have been a series of reductions in our authorization bill, and in the amendment that was just passed in the House, which I offered as amendment No. 1, that further reduced the authorization by some $330 million.

Second, the gentleman's amendment gives a kind of false impression I think inadvertently. These are loan guarantees, not Federal loan funds. These are guarantees on loans.

If you operate on that basis you would not be talking about a $173 million reduction, you would rather be talking about the cost of the reduction for this year being less than $10 million.

Finally, in the gentleman's amendment there is no reference made to changing the budget authority which is the driving force behind the spending of money and, therefore, I am not at all sure that his amendment as it now stands would accomplish that which he seeks to accomplish.

For those and many other reasons I oppose the amendment. It was voted down in committee, and I urge that it again be voted down.

□ 1550

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. HILER).

The question was taken; and on a division—demanded by Mr. HILER—there were—yeas 9, nays 9.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. MITCHELL

Mr. MITCHELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MITCHELL: Page 11, line 22, strike all of such line after the word "transfers." and insert the following:

"(w) The following program levels are authorized for fiscal year 1986:

"(1) For the programs authorized by section 7(a) of this Act, the Administration is authorized to make $306,800,000 in direct and immediate participation loans; and of such sum, the Administration is authorized to make $31,200,000 in loans to Vietnam veterans, $20,800,000 in loans as provided in paragraph (10), $140,400,000 in loans as provided in paragraph (11), and $10,400,000 in loans as provided in paragraph (12): *Provided, however,* That of such sums, the Administration is authorized to make direct loans only to those eligible for loans under subsection 7(a)(10).

"(2) For the programs authorized by section 7(a) of this Act and section 503 of the Small Business Investment Act of 1958, the Administration is authorized to make $4,430,400,000 in deferred participation loans and guarantees of debentures; and of such sum, the Administration is authorized to make $6,240,000 in loans as provided in paragraph (10), $83,200,000 in loans as provided in paragraph (11), $20,800,000 in loans as provided in paragraph (12), and $364,000,000 in loans as provided in paragraph (13) and guarantees of debentures as provided in section 503.

"(3) For the programs authorized by title III of the Small Business Investment Act of 1958, the Administration is authorized to make $72,800,000 in direct purchases of debentures and preferred securities and to make $260,000,000 in guarantees of debentures.

"(4) For the programs authorized by part B of title IV of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $1,560,000,000.

"(5) For the programs authorized by section 7(b)(3) and 7(b)(4) of this Act, the Administration is authorized to make $105,000,000 in direct loans.

"(6) For the programs authorized in sections 404 and 405 of the Small Business Investment Act of 1958, the Administration is authorized to enter into guarantees not to exceed $260,000,000.

"(7) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for the carrying out of the provisions and purposes, including administrative expenses, of sections 7(b)(1) and 7(b)(2) of this Act; and there are authorized to be transferred from the disaster loan revolving funds such sums as may be necessary and appropriate for such administrative expenses.

"(x) There are authorized to be appropriated to the Administration for fiscal year 1986, $1,162,000,000. Of such sum, $823,000,000 shall be available for the purpose of carrying out the programs referred to in subsection (w), paragraphs (1) through (3); $19,000,000 shall be available for the purpose of carrying out the provisions of section 412 of the Small Business Investment Act of 1958; $1,000,000 shall be available for the purpose of carrying out the provisions of section 403 of the Small Business Investment Act of 1958; and $319,072,000 shall be available for salaries and expenses of the Administration of which amount—

"(1) $14,067,040 shall be available for procurement and technical assistance; of which amount not less than $2,410,720 shall be available for technical assistance, and of this amount not less than $939,120 shall be used to pay for the continued development of a procurement automated source system, and not less than $182,000 shall be used to develop and maintain technology assistance centers which shall have direct or indirect access to a minimum of thirty technology data banks to define the technology problems or needs of small businesses by searching technology data banks or other sources to locate, obtain and interpret the appropriate technology for such small businesses.

"(2) $38,494,352 shall be available for management assistance, of which amount not less than $1,262,560 shall be used to sustain the small business export development program and to employ not less than seventeen staff people for the Office of International Trade, ten of whom shall serve as export development specialists with each of the Administration's regional offices being assigned one such specialist, of which amount up to $4,160,000 shall be used for grants or loans authorized by section 22(b)(2) of this Act and not more than $1,040,000 shall be used for programs authorized by section 22(b) of this Act.

"(3) $8,320,000 shall be available for economic research and analysis and advocacy, of which amount not less than $2,516,800 shall be used to employ at least sixty-nine staff people for the Office of the Chief Counsel to carry out research and those functions prescribed by Public Law 94-305; not less than $1,456,000 shall be used to develop an external small business data bank and small business index; not less than $1,404,000, shall be used for research and not less than $1,040,000 shall be used to pay for development and maintenance of an indicative small business data base comprised of names and addresses and related information.

"(4) $31,460,000 shall be available for the Office of Minority Small Business and Capital Ownership Development, $14,201,000 of which shall be used to carry out those functions, including administrative expenses, prescribed by section 7(j) of this Act.

"(5) $10,967,840 shall be available for program evaluation and data management with priority given to the development of an automated internal Administration management data base, to the enhancement of the Administration's document tracking system, and to the installation of terminals in Administration field offices.

"(6) There are hereby authorized to be appropriated such sums as may be necessary and appropriate for carrying out the provisions and purposes of the small business development center program in section 21.

"(y) The Administrator may transfer no more than 10 per centum of each of the total levels for salaries and expenses authorized in paragraphs (1) through (5) of section 20(x) of this Act: *Provided, however,* That no level authorized in such paragraphs may be increased more than 20 per centum by any such transfers.".

Mr. MITCHELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be con-

sidered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. MITCHELL. Mr. Chairman, this bill was reported from committee last year and provides 2-year authorizations for fiscal years 1984 and 1985. Due to the lapse of time it is now appropriate we should add an additional year, otherwise we will be back later this year with yet another authorization bill to cover fiscal year 1986. My amendment simply inserts authorization for 1986 at the same level for 1985, plus a 4-percent inflation factor, with the understanding that the inflation factor is negotiable.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. I yield to my distinguished colleague from Pennsylvania.

Mr. McDADE. I thank the distinguished chairman for yielding. I want to say he has kindly kept us informed. I think it is a good idea. I think the budget process which contains so much legislation around here and which really argues for multiyear authorizations is one that suits this to a "T." We ought to adopt it. I think as long as we keep that level of general inflation at 4 to 5 percent that we can go to the conference with the Senate and see where we can end up. I think it is a good initiative.

Mr. DAUB. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. Let me comment further on the 4-percent inflation factor: obviously if it goes below 4 we will watch that very carefully and make an adjustment. If it goes above 4 we would have to make a subsequent adjustment.

I yield to my distinguished colleague.

Mr. DAUB. I thank the gentleman for yielding.

It was on the point of your last remark that I was to make my inquiry and ask you to further define what you mean by "negotiable." You have done that. And I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. MITCHELL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BLILEY

Mr. BLILEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLILEY: Page 11, after line 22, insert the following new section:

SEC. 102. (a) Notwithstanding any other provision of law—

(1) nothing in the amendment made by section 101 of this Act shall be construed as authorizing any amount for direct loans, and

(2) any provision in such amendment which would (but for paragraph (1) authorize an amount for direct loans shall be construed as authorizing an amount for guarantees.

(b) For purposes of subsection (a), the term "direct loan" includes the direct purchase of debentures and preferred securities.

(c) Subsection (a) shall not apply to the purchase of debentures and preferred securities of a small business investment company meeting the requirements of section 301(d) of the Small Business Investment Act of 1958.

(d) Subsection (a) shall not apply to any loans made under Sec. 7(a)(10) of the Small Business Act.

Mr. BLILEY. Mr. Chairman, for the last 14 months Members of this body have been taking to the floor in droves to decry the massive Federal budget deficits that plague our Nation. While different Members lay blame for those deficits in different areas, all agree that we have got to stop just talking about deficits, and act immediately to reduce them.

It is very easy to give a 1-minute speech on balancing the Federal budget, because you do not have time to get to the details of how you are going to make those cuts. As a consequence, I and several of my colleagues have been looking at individual bills as they are reported and come to the floor, to see just where some reasonable reductions can be taken.

Such is the case with the bill before us today, H.R. 3020, the small business authorizations. This legislation is over twice as large as what the President requested in his fiscal year 1985 budget. And that budget is by no means a document of austerity, projecting as it does an $180 billion deficit for this year alone.

H.R. 3020 as currently drafted represents a commitment to continuing the policies that have brought our economy to its knees. These policies harm small business the most, because small businesses are much more vulnerable to economic swings and volatile interest rates. H.R. 3020 shows an unwillingness by the committee to address the very problems that they so eloquently recognize and amplify in the opening statements of their report.

Allow me to quote briefly from that report.

The report says:

This bill is premised on the committee's belief that small business can and should lead the way in any turnaround in our economy. Small business is clearly our best single source of job creation. By far, most new jobs are provided by small businesses employing fewer than 500 employees. Further, at a time when our Nation appears to be moving back toward economic health, that job creation small business contribution must be recognized and supported.

On page 4, the report continues:

Small businesses have historically paid interest rates about 3 to 4 percentage points above inflation. They are now paying rates 7 to 10 percentage points above inflation. These rates are far too high to allow many small businesses to make the strong comeback necessary to economic recovery, yet our Nation desperately needs their collective help. Minority and small businesses—the primary sources of jobs—can lead the way in human capital development and revitalize America if provided the chance to create jobs and survive the recession economy.

The committee's opening comments are fair and they are accurate. They focus our attention on how the needs of the Nation and the needs of small business complement one another. Yet, on page 5 of the committee's report, we find what amounts to the main problem with Federal Government today, and this statement is not one that any member of any committee should claim pride of authorship for. On page 5 we read:

The committee is in agreement that deficits must be controlled and reduced. However, . . .

I ask my colleagues, Is that not the attitude that has brought our Nation $200 billion annual budget deficits? Let me repeat the committee's statement.

The committee is in agreement that deficits must be controlled and reduced. However, . . .

That "However" is the root of the paralysis of American Government.

Now, I know that members of this committee will say that the deficit is over $150 billion, and the dollars my amendment affects are less than $300 million.

But why do we not look at it from another perspective. Members are so fond of quoting our late President John F. Kennedy. And well they should be proud. It was Kennedy that made the famous statement: "Ask not what your country can do for you * * *." We all know how that line ends.

If we approached our legislative responsibilities that way, we would be in much better shape. That approach, having committees look for areas to reduce spending in their own backyards, is what budget reconciliation is supposed to be all about. But what really happens?

The Small Business Committee, finding that deficits hurt its constituent groups, decides that the best thing they can do for their country is to add to those deficits.

Mr. Chairman, my amendment does not close off opportunities for small businesses to get the capital they need. Their loans can be backed by the full faith and credit of this great Nation of ours. But the only way that our Nation's guarantee will be worth anything is if we take action to reduce the deficits. H.R. 3020 is a great place to start.

If Members will only take this first step to let people know that all this deficit-talk is not just lipservice, but is a very real commitment to spending restraint. Just think of how the constituents in your district would receive that news. Just think of how the mar-

kets would react. Think of how far the interest rates would fall if lenders did not have any reason to believe that inflation was always just right around the corner.

Let me point out to the Members that even the National Federation of Independent Business—the NFIB—has commented to the Small Business Committee with their concerns that direct lending is not always the best way to encourage small business development. In fact, the NFIB wrote members of the committee just before the markup on this bill to express their concerns about overemphasizing direct loans.

The Members of the House should be very cautious when spending money on programs that even small firms do not entirely support. If the NFIB—which represents some 500,000 small business workers—cannot even come to fully support a program with direct effects on its members, then I wonder how we in Congress justify doing this.

Small businesses know better that we do what their needs are. They have indicated to all of us at one time or another that the deficit, interest rates, taxes and regulation are the things that hurt them. This legislation is an inappropriate response to those concerns. If we want to make Federal Government a giveaway, at least let us give them what they really need and what they have asked for.

□ 1600

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. BLILEY. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

I am intrigued by the gentleman's amendment. Is it true that this is one of the recommendations of the Grace Commission that this is a direction that we ought to move toward trying to get some constraints in Federal lending programs?

Mr. BLILEY. Yes, it is. The Grace Commission recommends exactly what this amendment attempts to do and that is go to Federal credit backing of the loans rather than direct loans themselves.

Mr. WALKER. If the gentleman will yield further, it is my understanding that the Grace Commission, if you take all of their recommendations and put them together we could save about $426 billion in deficits over a period of 3 years. And so what the gentleman has done is given us one provision of that very dramatic deficit reduction in this amendment, it seems to me.

Am I not right that if we applied this to both the Farmers Home Administration and the Small Business Administration that both the Congressional Budget Office and the GAO have told us that we could save about $40 billion in the years between 1985 and 1989 with this particular approach?

Mr. BLILEY. The gentleman is correct.

Mr. WALKER. And that is about $9 billion a year that would be able to be saved by those two programs according to GAO and CBO; is that correct?

Mr. BLILEY. That is correct.

Mr. WALKER. I thank the gentleman. I think his amendment is very much worth our consideration.

Mr. MITCHELL. Mr. Chairman, I move to strike the requisite number of words and in opposition to the amendment.

Mr. Chairman, let me say it makes it awfully difficult for some of us on this side who are really pushing for deficit reductions. We went through the committee bill, we reduced it in committee. I came back on the floor today with a further reduction. And it kind of upsets me that when we are really trying to do our best to cope with the deficit there are further attempts made to suggest that we are not trying to do that.

But apart from that consideration, I do not think the gentleman realizes what his amendment does, the people who will be hurt by this amendment. It completely eliminates any direct loans to the handicapped, it completely eliminates any direct loans to veterans, it completely eliminates any direct loans to women, it completely eliminates any direct loans to minorities, it eliminates direct loans to all those other persons who cannot obtain funds from any other source.

Mr. BLILEY. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. I yield to the gentleman from Virginia.

Mr. BLILEY. I thank the gentleman for yielding.

It does not eliminate direct loans to the handicapped. Nor does it affect the MESBIC program at all.

Mr. MITCHELL. I did not even mention that. In my opinion, the gentleman did not mention the veterans. They will not be able to get direct loans. Minorities will not. Women will not. And in my opinion in reading this, as I interpret the amendment, it also would apply to handicapped.

Let me pursue my argument before I yield a little bit further.

The only reason that we have a direct loan program is that we have found out that there are some groups that have exceeding difficulty in getting loans through regular lending sources. That is the only reason it is there.

We have accepted an amendment from the gentleman from Pennsylvania (Mr. McDADE) which ties in the direct loan program more tightly with local lending institutions.

I am sorry. I just vigorously oppose this amendment. I just do not think we can do that to our veterans and our minorities and our women.

I would urge the defeat of the amendment.

Mr. McDADE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment.

I recognize the thrust of what my colleagues is attempting to do, but let me point out that the committee has been responsive. Some times when a program gets a title on it, we tend to lose sight of what it does.

Now, there used to be a 100-percent funded direct loan program. There used to be. It was suggested that program be stopped. We changed the program completely. They are now all participatory programs. Everybody who would come in to one of these programs must get assistance from a local lender and may I say that that assistance must be at least 10 percent of the loan if the loan is up to $100,000; 20 percent of the loan if it is up to $200,000; and 30 percent if he is to have any opportunity to participate in any of these programs above $350,000.

Now, our reason for doing that, may I say to my friend, is recognizing that the guaranteed loan program, which as the gentleman knows is 10 percent locally backed through your local lending institutions in your district before they even get to SBA, is the area where you first have the first credit screen.

I am sure that the gentleman would agree that in his community or in my community or any community a local match, a local credit check is the greatest assistance to the 90/10 general guaranteed program. That is what we have done here. We have converted this program into a program where there is local initiative, local incentive, local credit devices, and I hope that we will recognize that is this new effort to reform that program to make it a better program, to make it more responsive.

We have done what many people felt was the right thing to do. Many people did not. But we have changed the program into a participatory program. We ought to recognize that and we ought to treat it accordingly.

Mr. BLILEY. Mr. Chairman, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from Virginia.

Mr. BLILEY. I thank the gentleman for yielding.

I appreciate the fine work the gentleman has done.

But did not the administration recommend the thrust of my amendment that we go from direct loans to guaranteed loans?

Mr. McDADE. May I say to my friend, I have just said to him that the

administration recommended no more direct loans. There are no more direct loans. It is a title in an account. But all the loans that the gentleman is addressing are now participatory loans. There must be, may I say to my friend, there must be a local initiative before you ever get to the Small Business Administration. There must be a local bank or there must be a local institution, for example, an industrial development authority, a local development authority in your State, or wherever. In fact, we try to say to the local governments and the State governments, participate in this program, and if you do, we will try to encourage you to have a program like that so there will be more credit available to one of the groups at the local level.

□ 1610

But you must have, may I say to my friend, that participation before anybody is eligible.

Mr. BLILEY. If the gentleman will yield further, if you do get that, then you are eligible for direct assistance from the SBA, as opposed to what my amendment would say, "Get your local financing and then if SBA approves of what you are trying to do, then they will guarantee the loan," which is bound to have less call on the Federal Treasury than the approach of the committee.

Would the gentleman agree to that?

Mr. McDADE. Well, let me say to my friend that I would agree with him that in both cases there is now requirement for local participation. There was not. The gentleman will agree to that?

Mr. BLILEY. I will agree to that.

Mr. McDADE. I will say to my friend, who has a fine eye for the detail of a balance sheet at any level, that indeed if you have a loan guarantee you have less exposure than you do if do not use a guarantee loan method. That is why we went to the loan guarantee method. But there is, as we both know, exposure, in any case. And what we hope to do is through the use of that local device make the loan infinitely better. That is what we are trying to do.

Mr. BLILEY. I hate to trespass on the gentleman's time, but if the gentleman will yield again, did not the Senate adopt in its bill pretty much exactly what I am attempting to do?

Mr. McDADE. I believe the Senate does not have this reform in the direct loan program by making it a participatory program that the House is talking about. We are going over to conference with the Senate, and I would say to my friend that we hope at that time to iron out the differences.

Mr. BLILEY. I thank the gentleman.

Mr. DANNEMEYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and members of the committee, during the course of this year we in the House will have an opportunity to consider recommendations of the Grace Commission, the President's Commission on cost control in the Federal Government. Some of us hope that when we take up the first concurrent budget resolution on a date, yet not now set, that we will have an opportunity of presenting an alternative budget which will reflect 1 or 15 percent of the recommendations of the Grace Commission during fiscal year 1985.

We will combine these recommendations with recommendations of the CBO for budget reductions in the Heritage Foundation for $9.3 billion, and other sources, for a total budget reduction on the deficit in fiscal year 1985 of $41.1 billion.

Most of those come from the recommendations of the Grace Commission.

This amendment today presents an opportunity for Members of the House to, by their votes, indicate whether or not they want to give life to the recommendations of the Grace Commission, in this instance by changing a very significant part of this authorization measure from that of direct loans to guarantees.

The claim is made, and I believe it is a fair claim, that this would result in a reduction of the deficit in fiscal year 1985 of $295 million. That is not an insignificant sum.

I think that during the course of the election this November, Members campaigning for reelection will have an opportunity of explaining to their constituents why they voted for or against the recommendations of the Grace Commission as a means of reducing excessive spending at the Federal level. If you come from a constituency where the sense of your constituency is to come here and keep the money faucets turned on, and this irresponsible level of spending funneling out of the Treasury of this country and loading more debt on our children and grandchildren, go ahead and vote against this amendment. But if you sense that your constituents want you to support an amendment that is credible and responsible and defensible, in this instance by substituting a credit guarantee for direct loans, then I urge you to vote for this amendment, because I think you may have a chance to explain to your constituents why you voted otherwise.

Mr. BLILEY. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to my colleague, the gentleman from Virginia.

Mr. BLILEY. Mr. Chairman, I want to thank the gentleman, and I would like to add that the Congressional Budget Office and the General Accounting Office recently completed an analysis of many of the major recommendations of the President's private-sector survey on cost control, more familiarly known as the Grace Commission.

While many experts have taken issue with some of the savings that the Grace Commission claims, there is no reason to dispute the claims when they are substantiated by the CBO and the GAO. In their analysis, GAO and CBO say that converting direct loan authority to loan guarantees would transfer more responsibilities and risks to the private sector and encourage more careful selection of loan recipients. I think that is very important.

It would transfer more responsibilities and risks to the private sector and encourage more careful selection of loan recipients.

CBO's budget estimates consider not only converting SBA loans but take into account cost savings from converting Farmers Home Loan Administration loans as well.

I thank the gentleman for yielding. I think that is an important part.

Mr. MITCHELL. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Maryland is recognized for 5 minutes.

There was no objection.

Mr. MITCHELL. Mr. Chairman, I merely want to restate my objection to the amendment.

My distinguished colleague, the gentleman from California, was not on the floor when we went through this rehearsal before, and I just want to refresh his thinking.

For fiscal year 1984 loan, we have reduced $454 million in this authorization in the budget authority, for 1985 we are reducing another $276 million, for a grand total of $730 million. In addition to that, I do not know whether the gentleman was on the floor or not when we pointed out that under this, under the amendment of the gentleman from Virginia, veterans, women, minorities could simply not get loans. I do not think the gentleman wanted that to happen, but that is what his amendment would do.

I would rather not discuss it any more. We have made some compelling arguments, the gentleman from Pennsylvania (Mr. McDADE) and myself, and I would rather yield back the balance of my time.

Mr. DANNEMEYER. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. Just briefly, for 30 seconds.

Mr. DANNEMEYER. I thank the gentleman for yielding.

Mr. Chairman, I commend the gentleman for the reduction in the deficit that he has just stated. But let us face it: We have got a long ways to go, we have got a deficit of $180 billion, more

or less, and we have an opportunity of cutting it by another $295 million.

The gentleman does not want to turn that down, does he?

Mr. MITCHELL. If the gentleman will allow me to reclaim my time, the question was raised: How would Members campaign in their districts with regard to voting against this amendment?

They would campaign proudly in support of a committee that cut a total of $730 million in 2 fiscal years.

I urge defeat of the amendment.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I would simply point out that many of us who might vote in favor of this amendment do so in no way to degrade what the committee has already accomplished. I think that we should congratulate the committee for trying to be fiscally responsible in this regard for doing some of the things that were necessary in order to contain costs here and try to reduce the deficit. And I personally want to thank the gentleman from Maryland and the gentleman from Pennsylvania for their hard work in that regard.

What we are looking at here, though, is a series of recommendations that have come in from the Grace Commission that cover a broad scope of the Federal Government, and they are recommendations which I think deserve some airing on the floor.

As the gentleman from Virginia has stated, this is not a recommendation that simply comes out of the Grace Commission. It has been adopted by the administration, that it is suggested that this was the direction that we ought to go. And I believe the gentleman from Virginia said that this is an approach that has already been adopted by the other body. So it is something that we are considering on this floor in large part because it has some fairly distinguished parentage.

Beyond that, I think it is important to point out, because the gentleman from Maryland has made the statement now a couple of times, the minorities and others are going to be adversely impacted by this amendment, that this amendment does not apply to the minority enterprise small business investment companies. That is an attempt within the program to assure that small business development can be made available to everyone, and this amendment does not apply to that particular program. It is an attempt to assure fairness within the program.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Maryland.

Mr. MITCHELL. It does not apply to the MESBIC, but the MESBIC is only one tiny segment of the minority loan programs. So to use that is really to just distort the picture.

Mr. WALKER. The gentleman is absolutely correct. But the gentleman also knows that many of the groups that he has mentioned here are only a very small segment of all the loans that are made. The gentleman is the one who rose and ticked off the groups that are a very, very important element that we need to reach out to, and the gentleman well knows that they only make up a very small portion of all of the loans that go out.

□ 1620

So we are attempting to speak to those by having MESBIC not apply to this particular amendment. I think that it is an amendment well worth the body's consideration, particularly if you do want to do something about containing costs at the Federal level and try to bring the budgets under control with cost containment rather than tax increases.

Mr. Chairman, I yield back the balance of my time.

Mr. RUDD. Mr. Chairman, I rise in support of the Bliley amendment to H.R. 3020, the small business authorization bill.

This amendment would convert the direct Federal loan authority in title I to loan guarantee authority, allowing small businesses to still get the capital they need, but also allowing greater participation by the private sector so that there is a more prudent selection of loan recipients. It would save the taxpayers $300 million next year and similar amounts in following years.

The conversion to loan guarantee authority was recommended by the President's private sector survey on cost control—the Grace Commission.

The Grace Commission identified 2,478 Government activities altogether which can be eliminated or streamlined without curtailing essential Government service. If we are to do more than pay lipservice to deficit reduction, the Grace Commission and its recommendations deserve serious consideration in this Congress.

This amendment is a first step in the direction of more responsible Government spending, and I urge my colleagues to support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. BLILEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BLILEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 72, noes 331, not voting 30, as follows:

[Roll No. 44]

AYES—72

Archer	Gramm	Parris
Bartlett	Gregg	Porter
Bateman	Hansen (ID)	Quillen
Bliley	Hansen (UT)	Ray
Broomfield	Hartnett	Robinson
Brown (CO)	Hiler	Rudd
Burton (IN)	Hillis	Sensenbrenner
Cheney	Hopkins	Shumway
Conable	Hunter	Shuster
Craig	Kemp	Siljander
Crane, Daniel	Kramer	Skeen
Crane, Philip	Leach	Smith, Denny
Daniel	Lewis (CA)	Stangeland
Dannemeyer	Livingston	Stump
DeWine	Loeffler	Sundquist
Dickinson	Lungren	Tauke
Dreier	Mack	Taylor
Erlenborn	Marriott	Thomas (CA)
Fields	Martin (IL)	Vander Jagt
Franklin	McCandless	Vucanovich
Frenzel	Moorhead	Walker
Gekas	Nielson	Weber
Gingrich	Oxley	Whittaker
Goodling	Packard	Zschau

NOES—331

Ackerman	Daub	Horton
Addabbo	Davis	Howard
Albosta	de la Garza	Hoyer
Alexander	Dellums	Hubbard
Anderson	Derrick	Huckaby
Andrews (NC)	Dicks	Hughes
Andrews (TX)	Dingell	Hutto
Annunzio	Dixon	Hyde
Anthony	Donnelly	Ireland
Applegate	Dorgan	Jacobs
Aspin	Dowdy	Jeffords
AuCoin	Downey	Jenkins
Barnard	Duncan	Johnson
Barnes	Durbin	Jones (NC)
Bates	Dwyer	Jones (OK)
Bedell	Dymally	Jones (TN)
Beilenson	Dyson	Kaptur
Bennett	Eckart	Kasich
Bereuter	Edwards (AL)	Kastenmeier
Berman	Edwards (CA)	Kazen
Bethune	Edwards (OK)	Kennelly
Bevill	Emerson	Kildee
Biaggi	English	Kindness
Bilirakis	Erdreich	Kogovsek
Boehlert	Evans (IA)	Kolter
Boggs	Evans (IL)	Kostmayer
Boland	Fascell	LaFalce
Boner	Fazio	Lagomarsino
Bonior	Feighan	Lantos
Bonker	Ferraro	Latta
Borski	Fiedler	Lehman (CA)
Bosco	Fish	Lehman (FL)
Boucher	Flippo	Lent
Boxer	Florio	Levin
Breaux	Ford (MI)	Levine
Britt	Ford (TN)	Levitas
Brooks	Frank	Lewis (FL)
Brown (CA)	Frost	Lipinski
Broyhill	Fuqua	Lloyd
Bryant	Garcia	Long (LA)
Burton (CA)	Gaydos	Long (MD)
Byron	Gejdenson	Lott
Campbell	Gephardt	Lowery (CA)
Carney	Gibbons	Lowry (WA)
Carper	Gilman	Lujan
Carr	Glickman	Luken
Chandler	Gonzalez	Lundine
Chappell	Gore	MacKay
Chappie	Gray	Madigan
Clarke	Green	Marlenee
Clay	Guarini	Martin (NY)
Clinger	Gunderson	Martinez
Coats	Hall (IN)	Matsui
Coelho	Hall (OH)	Mavroules
Coleman (MO)	Hall, Ralph	Mazzoli
Coleman (TX)	Hall, Sam	McCain
Conte	Hamilton	McCloskey
Conyers	Hammerschmidt	McCollum
Cooper	Harkin	McCurdy
Coughlin	Harrison	McDade
Courter	Hatcher	McEwen
Coyne	Hayes	McGrath
Crockett	Hefner	McHugh
D'Amours	Hertel	McKernan
Darden	Hightower	McKinney
Daschle	Holt	McNulty

Mica	Rahall	Spratt
Michel	Rangel	St Germain
Mikulski	Ratchford	Staggers
Miller (CA)	Regula	Stenholm
Miller (OH)	Reid	Stokes
Mineta	Richardson	Stratton
Minish	Ridge	Studds
Mitchell	Rinaldo	Swift
Moakley	Roberts	Synar
Molinari	Rodino	Tallon
Mollohan	Roe	Tauzin
Montgomery	Roemer	Thomas (GA)
Moody	Rogers	Torres
Moore	Rose	Torricelli
Morrison (CT)	Rostenkowski	Traxler
Morrison (WA)	Roth	Udall
Mrazek	Roukema	Valentine
Murphy	Rowland	Vandergriff
Murtha	Russo	Vento
Myers	Sabo	Volkmer
Natcher	Sawyer	Walgren
Neal	Schaefer	Waxman
Nelson	Scheuer	Weaver
Nowak	Schneider	Weiss
O'Brien	Schroeder	Wheat
Oakar	Schulze	Whitehurst
Oberstar	Schumer	Whitley
Obey	Seiberling	Whitten
Olin	Shannon	Williams (MT)
Ortiz	Sharp	Williams (OH)
Ottinger	Shaw	Winn
Owens	Shelby	Wirth
Panetta	Sikorski	Wise
Pashayan	Sisisky	Wolf
Patman	Skelton	Wolpe
Patterson	Slattery	Wortley
Pease	Smith (FL)	Wright
Penny	Smith (IA)	Wyden
Pepper	Smith (NE)	Wylie
Perkins	Smith (NJ)	Yates
Petri	Smith, Robert	Yatron
Pickle	Snowe	Young (AK)
Price	Snyder	Young (FL)
Pritchard	Solarz	
Pursell	Spence	

NOT VOTING—30

Akaka	Gradison	Ritter
Badham	Hance	Roybal
Collins	Hawkins	Savage
Corcoran	Heftel	Simon
Early	Leath	Solomon
Edgar	Leland	Stark
Foglietta	Markey	Towns
Foley	Martin (NC)	Watkins
Forsythe	Nichols	Wilson
Fowler	Paul	Young (MO)

□ 1630

Messrs. O'BRIEN, LOTT, DIXON, WHITEHURST, and PATTERSON changed their votes from "aye" to "no."

Mr. HOPKINS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1640

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—SMALL BUSINESS ADMINISTRATION PROGRAM CHANGES

SEC. 201. (a) Section 22(b)(2) of the Small Business Act is amended to read as follows:

"(2) encourage greater small business participation in trade fairs, shows, missions, and other domestic and overseas export development activities by providing grants or loans to small businesses to defray costs associated with such events: *Provided, however,* That no more than $15,000 in the case of overseas events, and no more than $2,000 in the case of domestic events, may be provided to any company in any one fiscal year;".

(b) Section 22(b) of the Small Business Act is amended by adding at the end thereof the following new paragraph:

"(4) the Administration is authorized to cosponsor or otherwise participate in domestic and overseas events whose primary purpose is to encourage export of small business goods and services abroad, including but not limited to, conferences, missions, trade fairs, and other export development activities sponsored by other Federal departments and agencies.".

SEC. 202. (a) Section 7(a) of the Small Business Act is amended by adding the following:

"(16)(A) No immediate participation loan may be made pursuant to this subsection unless the Administration determines that the applicant has given reasonable assurance that it will create employment opportunities within a two-year period after all loan proceeds are disbursed.

"(B) Immediate participation loan funds under subsection (a) shall be allocated to the Administration's district offices at least quarterly each fiscal year. The amount of such allocation shall be based solely upon the average total number of unemployed workers residing within each district area as a percentage of the average total unemployed work force nationwide for the immediately preceding fiscal quarter, or for the most recent fiscal quarter for which such statistics are available.

"(C) Immediate participation loans authorized by subsection (11) shall be extended on a priority basis within each of the Administration's designated district areas to those qualified applicants located in or near a labor surplus area (as defined pursuant to Defense Manpower Policy 4B (32 CFR chapter 1) or any successor policy).

"(D) During the last thirty calendar days of each fiscal year quarter the Administration may make an immediate participation loan to any qualifying small business within the district.".

(b) Section 7(a)(3) of the Small Business Act is amended to read as follows:

"(3)(A) No loan under this subsection shall be made if the total amount outstanding and committed (by participation or otherwise) to the borrower from the business loan and investment fund established by section 4(c)(1) of this Act would exceed $750,000: *Provided,* That the Administration's share of any loan made or effected either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate basis shall not exceed $350,000: *Provided further,* That any immediate participation loan made pursuant to this subsection shall be accompanied by an injection of additional funds derived from non-Federal sources in the following amounts:

"(i) if the loan is under $100,000 in amount, at least 10 per centum;

"(ii) if the loan is between $100,000 and $200,000 in amount, at least 20 per centum; and

"(iii) if the loan is over $200,000 in amount, at least 30 per centum.

"(B) The percentages specified in subparagraphs (A)(ii) and (iii) shall be reduced to 10 per centum and 15 per centum, respectively, if the non-Federal source funds are derived from a State or local government, including tax-exempt obligations of such governments.

"(C) The Administration shall delegate to each district office the authority to approve immediate participation loans except these made under the authority of 7(a)(11) in the amounts specified in subparagraphs (A)(i), (ii), and (iii) under the conditions specified in the Act without seeking higher approval within the Administration.

"(D) The Administration may transfer no more than 15 per centum of each of the total levels for direct loan programs as authorized in section 20 of this Act: *Provided, however,* That no loan program level authorized in such section may be increased more than 25 per centum by any such transfers: *Provided further,* That the Administrator is not authorized to transfer immediate participation loan levels to deferred participation (guaranteed) loan levels except that any transfers shall be effective only to the extent approved in advance by the Appropriations Committees of the United States Senate and of the House of Representatives of the United States.

"(E) For purposes of this paragraph the term 'non-Federal sources' shall include, but not be limited to, State and local government funds (including the proceeds from tax-exempt obligations of such governments), and funds derived from private financial institutions or private equity sources. In no event shall such term include funds derived directly from any grant or loan made, guaranteed, or insured by the Federal Government: *Provided, however,* That for purposes of this paragraph, Federal funds received by a State or local government or local industrial development agency will be considered funds that are derived from a State or local government source.".

SEC. 203. Section 7(a)(6)(A) of the Small Business Act is amended by adding after the word "subsection" the following: "or for loans to any small business concern as provided in paragraph (11) of this subsection,".

SEC. 204. Section 7(a)(4) of the Small Business Act is amended by striking the following: "and an additional amount as determined by the Administration, but not to exceed 1 per centum per annum".

SEC. 205. Section 7(a) of the Small Business Act is amended by adding the following new subsection:

"(17)(A) any loan made under this subsection (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) may, upon the joint election of the borrower, Administration, and lender, as the case may be, provide for the payment of interest only, during the—

"(i) first two years of its term if such term is at least eight years;

"(ii) first three years of its term if such term is at least ten years; and

"(iii) first four years of its term if such term is at least fifteen years.

At the conclusion of the period of interest only payments, the loan agreement shall provide for amortization of the loan principal in equal payments of principal and interest during the remainder of the term of the loan.

"(B) with respect to loans made under this subparagraph, a bank or lending institution may charge, in addition to any interest, fee, or service charge otherwise permissible pursuant to this Act and relevant regulations, promulgated pursuant thereto, a one-time fee of 1 per centum of the total amount of such loan, which amount may be paid from the proceeds of such loan.".

SEC. 206. Section 205 of this Act is repealed October 1, 1985.

SEC. 207. Not later than February 28, 1984, and February 28, 1985, the Small Business Administration shall submit to the Commit-

tee on Small Business of the Senate and the Committee on Small Business of the House of Representatives, a report which shall contain—

(1) with respect to section 7(a)(3)(A) of the Small Business Act—

(A) the aggregate number, dollar value, and default rate of all loans made in excess of $500,000 per loan; and

(B) the aggregate number, dollar value, and default rate of all loans made since the effective date of this section not in excess of $500,000 per loan;

(2) with respect to section 7(a)(17) of the Small Business Act—

(A) aggregate number, dollar value, and default rate of loans made subject to the election described therein; and

(B) for such loans described in subparagraph (A) of this paragraph, the geographic location of the recipients of such loans.

SEC. 208. Section 7(j)(10)(A)(i) of the Small Business Act is amended to read as follows:

"(i) assist small business concerns participating in the program to develop specific business targets, objectives, and goals for correcting the impairment of such concern's ability to compete, as determined for such concern pursuant to section 8(a)(6) of this Act. Such plan shall contain comprehensive financial marketing and management plans which detail efforts to be made by the Small Business Administration and the firm to promote the firm's business development. Every program participant shall be subject to a fixed period of program participation, not in excess of five years, as mutually agreed upon by the applicant and the Administration prior to acceptance in the program. Such term shall begin upon the date of award of the firm's first subcontract under the program: *Provided,* That the determination of the fixed period of time shall take into account the following factors:

"(1) degree of economic disadvantage as defined in section 8(a)(6) of this Act;

"(2) the number and dollar amount, and the progressively decreasing importance of section 8(a) contract support that it is anticipated will be necessary to promote competitive viability;

"(3) the length of time anticipated to be necessary to promote competitive viability;

"(4) the degree to which it is anticipated that Advance Payments and Business Development Expense will be necessary to enable the concern to successfully negotiate section 8(a) contracts and the extent to which reliance upon such proceeds will progressively decrease in importance;

"(5) the rate at which it is anticipated that a concern will decrease its reliance upon all forms of program support, especially section 8(a) contract support, at the end of its term:

Provided further, That not less than one year prior to the expiration of such period, and upon the request of such concern, the Administration shall review such period and may extend such period no more than two years taking into account the following factors:

"(1) the degree of economic disadvantages as defined in section 8(a)(6) of this Act and the extent to which prior participation in the program has overcome such economic disadvantage;

"(2) progress toward the financial marketing and management goals developed by the Small Business Administration and the firm;

"(3) the number and dollar amount of 8(a) contracts received during prior program participation;

"(4) the number and dollar amount of non-8(a) contracts;

"(5) the length of time in the program;

"(6) any extenuating circumstances unique to the firm, including but not limited to, type of industry, geographical location, adverse unforeseen events, involvement in special projects intended to realize additional socioeconomic objectives:

Provided further, That no determination made under this paragraph shall be considered a denial of total participation for the purpose of section 8(a)(9) of this Act, nor shall amendment made by this section apply to those firms participating in the program upon the date of enactment.".

SEC. 209. Section 5 of the Small Business Act is amended by adding the following new subsection:

"(f) Notwithstanding any other provision of law, the Administration shall enter into commitments for direct loans and to guarantee loans, debentures, payment of rentals, or other amounts due under qualified contracts and other types of financial assistance and to enter commitments to guarantee sureties against loss pursuant to programs under this Act and the Small Business Investment Act of 1958 in the full amounts provided by law, including reprograming requests approved by the Appropriations Committees of the United States Senate and the House of Representatives of the United States, subject only to (1) the availability of qualified applications for such direct loans and guarantees, and (2) limitations and amounts contained in authorization and appropriation Acts. Nothing in this subsection authorizes the Administration to reduce or limit its authority to enter commitments for direct loans or for such guarantees to qualified applicants.".

SEC. 210. Section 404(b) of the Small Business Investment Act of 1958 is amended as follows:

(a) by striking from paragraph (1) thereof "may be issued" and by inserting in lieu thereof "shall be issued"; and

(b) by striking the period at the end of paragraph (1) theeof and by inserting in lieu thereof ", and the Administration is expressly prohibited from denying such guarantee due to the property being so acquired.".

The provisions of subsections (a) and (b) of this section shall apply to applications (for the issuance of a guarantee described in section 404 of the Small Business Investment Act of 1958) which are pending as of January 1, 1982, or are made after December 31, 1981.

SEC. 211. Section 411 of the Small Business Investment Act of 1958 is amended by adding the following at the end of subsection (h): "The Administration shall not establish eligibility criteria based on the amount of the bond, subject to the limitation in subsections (a) and (c), or upon a percentage related to previously successfully completed contracts. The Administration shall evaluate each application on a case-by-case basis and based solely thereon shall determine the appropriate guarantee.".

SEC. 212. Section 5 of the Small Business Act is amended by adding the following new subsection:

"(g) The Administration shall notify the Senate Small Business Committee and the Small Business Committee of the United States House of Representatives before reprograming any program amounts authorized in appropriations Acts or reports explanatory thereof and shall notify the Senate Small Business Committee and the Small Business Committee of the United States House of Representatives before implementing any reorganization of such agency.".

SEC. 213. Section 2 of the Small Business Act is amended by striking "section 7(i)" from paragraph (1) of subsection (c) and by inserting "section 7(a)(11)".

SEC. 214. Section 7 of the Small Business Act is amended as follows:

(a) by striking, wherever it appears therein, "section 7(i)" from paragraphs (1), (2), (3), (8), (9), and (11) of subsection (j) and by inserting "section 7(a)(11)";

(b) by striking from subsection (k) "section 7(i)" and by inserting "section 7(a)(11)";

(c) by striking subsections (e), (h), (i), and (l); and

(d) by striking all of subsection (c) after the first two sentences in subparagraph (D) of paragraph (4) and inserting the following:

"Such loans, subject to the reductions required by subparagraphs (A) and (B) of paragraph 7(b)(1), shall be in amounts equal to 100 per centum of loss if the applicant is a homeowner and 85 per centum of loss if the applicant is a business or otherwise. The interest rates for loans made under paragraphs 7(b) (1) and (2), as determined pursuant to this paragraph (4), shall be the rate of interest which is in effect on the date the disaster commenced: *Provided,* That no loan under paragraphs 7(b) (1) and (2) shall be made, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred (guaranteed) basis, if the total amount outstanding and committed to the borrower under subsection 7(b) would exceed $500,000 for each disaster unless an applicant constitutes a major source of employment in an area suffering a disaster, in which case the Administration, in its discretion, may waive the $500,000 limitation.".

SEC. 215. Section 15 of the Small Business Act is amended by striking subsections (d), (e), and (f) and inserting in lieu thereof the following:

"(d) For purposes of this section priority shall be given to the awarding of contracts and the placement of subcontracts to small business concerns which shall perform a substantial proportion of the production of those contracts and subcontracts in or near areas of concentrated unemployment or underemployment or within labor surplus areas. Notwithstanding any other provision of law, total labor surplus area set asides pursuant to Defense Manpower Policy Numbered 4B (32A CFR chapter I) or any successor policy shall be authorized if the head of the procuring Federal agency or his designee specifically determines that there is a reasonable expectation that offers will be obtained from a sufficient number of eligible concerns so that awards will be made at reasonable prices. As soon as practicable and to the extent possible, in determining labor surplus areas, consideration shall be given to those persons who would be available for employment were suitable employment available. Until such definition reflects such number, the present criteria of such policy shall govern.

"(e) In carrying out small business set-aside programs, Federal agencies shall award contracts, and encourage the place-

ment of subcontracts for procurement to the following in the manner and in the order stated:

"(1) concerns which are small business concerns and which are located in labor surplus areas, on the basis of a total small business-labor surplus area set-aside;

"(2) concerns which are small business concerns, on the basis of a total small business set-aside;

"(3) concerns which are small business concerns and which are located in a labor surplus area, on the basis of a partial small business-labor area set-aside; and

"(4) concerns which are small business concerns, on the basis of a partial small business set-aside.

"(f) After priority is given to the small business concerns specified in subsection (e), priority also shall be given to the awarding of contracts and the placement of subcontracts, on the basis of a total labor surplus area set aside, to business concerns which will perform a substantial proportion of the production on those contracts and subcontracts within areas of concentrated unemployment or underemployment or within labor surplus areas.".

SEC. 216. Section 3(h) of the Small Business Act is amended as follows:

(a) by striking "availability of credit" and by inserting "availability of sufficient credit"; and

(b) by striking "conditions" and by inserting "conditions and at reasonable rates,".

SEC. 217. Section 3 of the Small Business Act is amended by striking from subsection (a) *"Provided,* That the Administration shall not promulgate, amend, or rescind any rule or regulation with respect to size standards prior to March 31, 1981." and inserting in lieu thereof the following: *"Provided,* That notwithstanding the waiver provisions of any other law, the Administration shall not promulgate, amend or rescind any rule or regulation with respect to size standards except in accordance with the procedures of chapter 5 of title 5, United States Code.".

SEC. 218. Section 302(a) of the Small Business Investment Act of 1958 is amended by adding at the end thereof the following: "With respect to a company licensed pursuant to section 301(d), such capital and surplus shall include funds obtained directly or indirectly from an agency or department of a State government or the Federal Government (excluding the Administration) for purposes of section 303 leveraging, provided that such funds:

"(1) are not taken into account with respect to meeting the requirements established by the preceding two sentences; and

"(2) were invested in or were legally committed to be invested in such company prior to July 29, 1980.".

SEC. 219. Section 502 of the Small Business Investment Act of 1958 is amended by striking "plant acquisition," and by inserting in lieu thereof "working capital, plant acquisition,".

SEC. 220. Section 503 of the Small Business Investment Act of 1958 is amended by striking all of paragraph (5) of subsection (b) after "is made" and by inserting the following: ": *Provided,* That the Administration shall not use the source or nature of the funds constituting the remaining per centum of the project cost as a criteria to approve or reject such guarantee; and".

SEC. 221. Section 15(c) of the Small Business Act is amended as follows:

(a) by striking from paragraph (1) "fiscal years 1981, 1982, and 1983," and by inserting in lieu thereof "each of fiscal years 1981 through 1986,";

(b) by striking from paragraph (1) "7(h)" and by inserting in lieu thereof "7(a)(10)";

(c) by striking from paragraph (2) ", 1982" and by inserting in lieu thereof "of each of fiscal years 1983 through 1986"; and

(d) by striking from paragraph (2) the word "Select".

AMENDMENTS OFFERED BY MR. MITCHELL

Mr. MITCHELL. Mr. Chairman, I have two technical amendments at the desk which I offer, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will report the amendments

The Clerk read as follows:

Amendments offered by Mr. MITCHELL: Page 17, strike line 19 and insert "1986.".

Page 17, line 20, strike "February 28, 1984, and".

Page 17, line 21, after "1985," insert "and February 28, 1986,".

Page 18, strike line 18 and all that follows through page 21, line 18, and renumber the remaining sections.

Mr. MITCHELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland that the amendments be considered en bloc?

There was no objection.

The CHAIRMAN. The gentleman from Maryland (Mr. MITCHELL) is recognized for 5 minutes in support of his amendments.

Mr. MITCHELL. Mr. Chairman, there are two amendments here, and I believe that Chair did indicate that they would be considered en bloc. We have consulted with the minority before offering these amendments.

Amendment No. 2 simply extends for 1 year, or until October 1, 1986, a provision repealing section 205 of the bill which permits SBA to agree to the payment of interest only on loans during the initial term of the loans if all parties agree.

It also eliminates a February 28, 1984, report on the interest only provision and on loans excess of $500,000. Instead, it requires the report on that date in 1986 along with a report on the same date in 1985.

Mr. Chairman, the second amendment, amendment No. 2A strikes section 208 which would have modified SBA's authority over a firm's participation in the small business and capital ownership development program.

As now provided in the bill, section 208 would enact into the Small Business Act current regulations that require each firm participating in the 8(a) minority business development program to receive a fixed period of participation in the program.

Codifying the existing regulatory practice would deny the agency the ability to modify procedures they have developed. Accordingly, SBA has requested that this provision be striken from the bill. I have agreed to do so and the minority members also have concurred. I know of no opposition to this amendment.

Mr. Chairman, these are technical amendments. The minority is, I believe, in agreement.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, these amendments, as the gentleman said, are purely technical amendments on reporting requirements of the SBA, and we urge their adoption.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Maryland (Mr. MITCHELL).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. WYDEN

Mr. WYDEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYDEN: Page 29, after line 5, insert the following new section:

SEC. 222. Section 15 of the Small Business Act is amended by adding at the end thereof the following:

"(m) Pursuant to the agreement implementing the policy of this section, entitled "Memorandum of Understanding Between the United States Department of the Interior and the Small Business Administration With Respect to Sales to Small Concerns of Timber and Related Forest Products on Federal Lands Under the Jurisdiction of the Bureau of Land Management," dated March 10, 1959, as amended July 25, 1966, and regulations and directives issued pursuant thereto, the Secretary of the Interior shall develop rules in consultation with the Administration to provide that any timber purchase by a nonmanufacturer shall be treated for purposes of small business share analysis under this Act as if made by the actual or predicted manufacturer of such purchase.

"(n) Pursuant to the agreement implementing the policy of this section, entitled "Agreement Between Department of Agriculture and the Small Business Administration for the Development and Operation of a Small Business Program in the Sale of National Forest Timber and Related Forest Products," dated December 29, 1971, and regulations and directives issued pursuant thereto, the Secretary of Agriculture shall not, in the case of government sales of timber in Forest Service Region 8 reserved for or involving preferential award to small businesses when the government timber being purchased is to be resold, permit the purchasing small business to sell or trade any of the advertised sawlog volume of such timber to a concern which is not a small business within the meaning of the Administration's regulations."

Mr. WYDEN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be consid-

ered as read and printed in the RECORD.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. WYDEN. Mr. Chairman, many small timber mills throughout our Nation are still feeling the ravages of the recession. The amendment I am offering now will help our country get these small mills going again, will get some unemployed woodworkers back onto the production lines, and it will not cost the Government a single penny.

The amendment would make two modest changes in the administration of the small business set-aside program for sales of Federal timber. One change, which I will explain in a moment, would affect the Bureau of Land Management's set-aside program in Oregon. The other change concerns the Forest Service's set-aside program in the South, and will be explained by the distinguished gentleman from Alabama, JACK EDWARDS, who joins me in the offering of this amendment.

The small business timber set-aside program is established under the general policy mandate of section 15 of the Small Business Act. Its purpose is to assure that a fair proportion of Federal timber is made available to the small business sector of the forest products industry. When small business falls behind in obtaining its historic proportional share of timber in a marketing area, certain timber sales then are set aside for small businesses only so that small business can catch backup.

Some timber sales, however, are sold to bidders who are not manufacturers. These nonmanufacturers typically are loggers who are small businesses. When a nonmanufacturer buys an open Forest Service timber sale, the Forest Service allocates that sale for small business share determination purposes to either large business or small business, depending on whether the nonmanufacturer will sell the logs to a large business mill or a small business mill. This procedure is equitable and in accord with congressional policy.

The Bureau of Land Management, however, allocates all purchases of its open timber sales by nonmanufacturers into the small business category, even when the nonmanufacturer is selling the logs to large business mills. This tends to keep small business mills from receiving their proportionate share of timber because small business is being credited with timber that actually is going to large business mills. For many years, this caused no practical problem because only about 4 percent of the volume sold by the BLM was purchased by nonmanufacturers. Beginning in 1982, however, the nonmanufacturer proportion increased sharply, growing to 22 percent for the first 9 months of 1983.

My amendment would require the BLM to allocate purchases by nonmanufacturers in essentially the same manner as is done by the Forest Service.

The distinguished chairman and ranking minority member of the Committee on Small Business have told me this amendment is acceptable to them.

The Small Business Administration has told me it supports the policy of this amendment.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. WYDEN. I am happy to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, I appreciate the gentleman's yielding, and I rise in support of his amendment.

This amendment certainly does help the small lumber manufacturers, and I hope the Committee will accept the gentleman's amendment.

Mr. Chairman, my particular interest is in the language that prohibits the sale or trade in region 8 of any designated set-aside sawtimber to businesses that do not meet the small businesses size standard.

Implementation of the current 70-30 percent rule has proven difficult in our region. There have been violations that are harmful to the legitimate small business lumberman. In the southern region there is only one SBA staff person to police the rule. To assure proper adherence to the requirement that the manufacturers be required to keep massive records. Reviews of the records to determine violations would be more than the one staff person could handle.

This issue is important to the small lumber manufacturers in my State and several fellow region 8 States. As I stated, violations to the 70-30 rule unfortunately do occur. On occassion set aside timber is purchased by someone other than a manufacturer and then resold. The problems is that in the resale more than 30 percent of the sale is to a non-small-business manufacturer. This diverts logs away from small businesses who are dependent on the set-aside timber to take care of their product need. Without this set-aside timber the businesses must depend on purchases some distance from their mills, which creates expenses that are difficult for them.

This amendment does not shut large manufacturers off from Forest Service timber. In addition to the current 30 percent of the set-aside sawtimber, they can also purchase in the open sales, where they are more competitive than the small businesses. Small business lumbermen need the set-aside protection. Since they are not now getting full benefit of the protection under the current law, the only solution is to change the law. This is the purpose of the portion of the Wyden amendment that addresses region 8, and I urge my colleagues to support it.

Mr. WYDEN. Mr. Chairman, I thank the gentleman from Mississippi.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. WYDEN. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. Mr. Chairman, I thank the gentleman for yielding, and I wish to state that I strongly support the gentleman's amendment.

The amendment really puts some teeth back into the Small Business Administration's rules and regulations as they were meant to be, and I hope that the House will adopt this amendment.

Mr. Chairman, I rise in strong support of the amendment and I will speak primarily to subsection (n) of the amendment.

Legitimate small timber businesses in the south have experienced problems with the existing small business set-aside regulations for timber sales. The amendment offered by the gentleman from Oregon seeks to address those problems.

Currently, a timber business participating in the U.S. Forest Service-Small Business Administration set-aside program may sell 30 percent of the timber to a non-small-business interest. The rule is virtually unenforceable in the south, region 8, where the Small Business Administration has only one staff person to monitor the sales. What is occurring is that many set-aside purchasers are selling more than 30 percent of the set-aside volume to nonsmall businesses. This situation squeezes legitimate small businesses out of a market upon which they depend.

The amendment would prohibit the sale or trade of any sawtimber volume in a designated set-aside sale to businesses which do not meet the small business size standard. It would be effective only in region 8. I understand that this problem does not exist in other regions because they have effective enforcement mechanisms to prevent a circumvention of the regulations.

What the gentleman's amendment seeks to accomplish is to make the set-aside program a consistent small business program as the law intended. What it does not seek to do is limit the availability of timber to large manufacturers who compete successfully in open sales and in private sales.

I believe this amendment is an equitable means of dealing with existing violations of the small business set-aside program. It simply puts more teeth in the law to protect small businesses.

Mr. WYDEN. Mr. Chairman, I thank the gentleman from Alabama (Mr. EDWARDS).

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. WYDEN. I yield to the chairman of the committee.

Mr. MITCHELL. Mr. Chairman, even an urban-oriented chairman of the Small Business Committee recognizes the merit of the gentleman's amendment, and we are prepared to accept his amendment on this side.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. WYDEN. I am happy to yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, I have discussed the amendment with my colleague, the gentleman from Oregon (Mr. WYDEN), as well as the other Members who have spoken here. We are in support of the amendment, and we will accept it on this side.

Mr. WYDEN. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. McDADE).

Again Mr. Chairman, let me say to my colleagues that this amendment deals with the small business set-aside program for sales of Federal timber.

Mr. Chairman, I yield back the balance of my time.

Mr. AuCOIN. Mr. Chairman, I rise in support of the amendment.

Mr. AuCOIN. Mr. Chairman, I rise to support the amendment offered by my distinguished colleague from Oregon, as joined in by the distinguished gentleman from Alabama.

The small business set-aside program is a vital ingredient in the health of the independent, small business sector of the forest products industry in Oregon. Large business and small business are in continuing tension over the set-aside program. This particular amendment, however, is not a source of controversy. It merely corrects a recordkeeping process which, until recently, has not caused any significant problem. Over the past couple of years, however, it has become a problem which should be corrected.

I want to emphasize that this amendment in no way dictates to nonmanufacturers to whom they can sell timber which they purchase at open sales. It merely provides that the agency's recordkeeping will accurately reflect whether BLM logs are going to large business mills or small business mills. I urge the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. WYDEN).

The amendment was agreed to.

□ 1650

AMENDMENT OFFERED BY MR. M'KERNAN

Mr. McKERNAN. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. McKERNAN: Page 29, after line 5, insert the following new section:

" SEC. 222. (a) Not later than February 28, 1985, the Small Business Administration shall submit to the Committee on Small Business of the Senate and the Committee on Small Business of the House of Representatives, a report of a study conducted by such Administration with respect to loans guaranteed under subsection (a) of section 7 of the Small Business Act, having a principal amount of less than $50,000, and made during 1983 and 1984.

(b) The report shall include—

(1) the aggregate number and dollar amount of such loans,

(2) the size characteristics of the recipients of such loans, including such characteristics as numbers of employees, gross annual receipts, and net worth, and

(3) the costs (including costs of lending institutions) of making and administering such loans.

(c) The report shall analyze—

(1) the effectiveness of the guaranteed loan program under section 7(a) of the Small Business Act for businesses with fewer than 20 employees and needing loans of less than $50,000, and

(2) shall evaluate alternative ways to reduce the cost of making and administering loans to such businesses, including (but not limited to)—

(A) the feasibility and cost to the treasury of having the Small Business Administration absorb a portion of the fixed costs of making and administering loans to such businesses, and

(B) establishing local independent nonprofit entities which would be provided funds by the Small Business Administration for making loans to such businesses.

(d) The report may include any recommendations that the Small Business Administration may have for improving access by such businesses to its loan programs.

Mr. McKERNAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. McKERNAN. Mr. Chairman, the purpose of this amendment, which I understand is supported by both the distinguished chairman of the committee, as well as the distinguished ranking member of the committee, is to direct the Small Business Administration to study and to analyze the effectiveness of the guaranteed loan program under section 7(a) of the Small Business Act for businesses with fewer than 20 employees and needing loans of less than $50,000 and to report by February 28, 1985, back to the House and Senate Committees on Small Business on ways to make loans more readily available to businesses of those size.

Mr. Chairman, during 1983, I conducted a number of town meetings, as well as walking tours and over and over again, as I am sure many Members have found as they have returned to their districts, people who have started small businesses, people who have very few employees, have talked about their need for capital, especially for capital in the $25,000 to $50,000 range and the unresponsiveness of the Small Business Administration to their request for help.

I think we ought to see how we can better help these so-called microbusinesses, of which there are many in my district. While the success of the SBA on many levels has been great, a significant portion of the small business community has been unable to benefit fully from SBA programs. These are the Nation's very small businesses—those, in general, with fewer than 20 employees—which face great difficulty in obtaining business loans of a small size. While their need for working capital and for captial to invest in fixed assets is great, very small businesses have a hard time obtaining loans under $50,000. This is because the application process for an SBA loan guarantee is time consuming and because the administrative costs of such small loans greatly reduce their profitability to lenders.

Mr. Chairman, this problem is of particular importance because of the vital role that the very small business plays in the economic health of this country. In 1982, fully 88.6 percent of all businesses in America had fewer than 20 employees, yet these same businesses created well over half of the Nation's jobs. With this group of businesses, too, lies the root of the American dream: To own and run a small business. But if we are to sustain opportunities for Americans in very small businesses, and if we are to sustain the growth of our economy that is predicated upon the growth of these businesses, then we must begin to look at ways to make it easier for the little guy to obtain the capital his business needs.

My amendment further directs the SBA to analyze this problem, and to develop proposals for reducing the redtape that very small businesses face in obtaining SBA loan guarantees for small loans, and to address the need for reducing the prohibitive administrative costs that lenders face when making such loans. In approving this amendment, the House would move toward a more effective loan guarantee program for SBA, and improved opportunities for very small businesses everywhere. I urge my colleagues to support this amendment.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. McKERNAN. Certainly.

Mr. MITCHELL. Mr. Chairman, we on this side have had an opportunity to study the amendment. We are aware of the need for such a study, directed at small businesses, very, very small businesses. On this side we are prepared to accept the amendment.

I think my colleague, the gentleman from Pennsylvania (Mr. McDADE) is also prepared to accept it.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. McKERNAN. Certainly, I yield to the gentleman.

Mr. ROGERS. Mr. Chairman, I would like to commend the chairman and the ranking member, the gentleman from Pennsylvania (Mr. McDADE) for their hard work on this legislation, and also to commend our colleague, the gentleman from Maine (Mr. McKERNAN) for introducing this important and I think constructive amendment.

I want to compliment the gentleman on the amendment and to urge its passage. I hope that we do pass this very vital amendment.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. McKERNAN. I yield to the distinguished gentleman.

Mr. MITCHELL. Mr. Chairman, it is my understanding that the ranking member on the committee is prepared to accept the amendment.

Mr. McDADE. Mr. Chairman, will my friend yield to me?

Mr. McKERNAN. I would be happy to yield.

Mr. McDADE. Mr. Chairman, I want to commend my friend for offering this amendment.

I think the report requirements that are in his amendment with respect to the SBA will have a very salutary effect on making that program more responsive to the small business needs of the country.

I commend the gentleman for offering it and I hope the House will accept it.

Mr. McKERNAN. I appreciate that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maine (Mr. McKERNAN).

The amendment was agreed to.

Mr. MITCHELL. Mr. Chairman, I am going to ask unanimous consent that our colleague, the gentleman from Nebraska (Mr. DAUB), be allowed to speak to an issue that we have already voted on. The gentleman had an understanding that he would get time to speak on it.

I ask unanimous consent that the gentleman from Nebraska be allowed to speak on the issue.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. The gentleman from Nebraska (Mr. DAUB) is recognized for 5 minutes.

Mr. DAUB. Mr. Chairman, I thank the chairman of the committee for his indulgence in that regard, because indeed, we did have an agreement on what was to be within the agreement a discussion on section 2(a). The matters evidently were put en bloc, or otherwise got mislaid.

The amendment that would have been discussed by me dealt with the minority enterprise development idea, which has been an idea that the chairman knows and my ranking member knows I have supported and would have supported the amendment, had it been put to a more distinctive vote.

In the last 3 years that I have served on the committee, I have witnessed a most welcome change in the attitude regarding a subject I think most Members have found somewhat controversial. It is referred to, if I might suggest that my colleagues observe, as the 8(a) program. Now, I am a supporter of efforts to assist disadvantaged business owners and had come to believe that unless substantial changes were made in that program, its future was very much in doubt.

The basic problem with the program was that instead of businesses enjoying its advantages for a certain period of time and then moving on to stand on their own feet in a competitive environment, so that other businesses could utilize the program, certain businesses remained year after year, while a very few individuals were able to prosper.

Whether or not one believes that all participants ought to be graduated from the program, I believe that no one could justify particular individuals from being able to profit from the program year after year at a substantial cost to the Government. During the debate on this legislation in the committee, we did hear some people who felf that a business' participation in 8(a) should not end until a company was the size of its biggest competitor.

With this kind of thinking, the 8(a) program would not have survived much longer. Fortunately for the program and especially for the many minority and disadvantaged businesses that were kept out so that a few could monopolize the program and its resources, the administration began to effect congressional intent and issue regulations that would require that after a number of years and a certain amount of assistance, that companies graduate from the program.

There was, or course, a great deal of criticism from those whose pockets had been so well lined that their continued presence in the program was necessary. As a Member who has seen deserving competitive entrepreneuers and enterprises from the minority ranks of our country's growing business community kept from the program so that the larger competitors could grow larger, I considered this not only a vindication of our congressional intent, but a real and substantial benefit to disadvantaged businessmen and women.

In committee, we were able to make permanent some of these changes, but today we have been asked, and in fact have now acted, to allow the administration additional leverage in the administration of the program and to give up that language and rely instead upon the Small Business Administration's willingness to administer this program properly.

□ 1700

I am willing to go along with this, but I want to make it clear that the 8(a) program will exist only so long as it makes sense and provides temporary nurturing for small and disadvantage businesses. Its purpose is not to create a privileged class of companies who get fat on negotiated Government contracts, while preventing their competitors from either participating in the program or obtaining Government work.

I thank the chairman, my ranking member, and the members of the committee for their indulgence at this time.

Mr. McDADE. Will the gentleman yield?

Mr. DAUB. I will be happy to yield.

Mr. McDADE. I just want to take a few minutes to offer my commendation to my colleague from Nebraska.

Mr. DAUB. I thank the gentleman.

Mr. McDADE. I know of the countless hours he has put into this program, to make it a good program, one that is workable, equitable, and that meets the needs of the country. I do not know of any body that has worked harder on a program than my friend from Nebraska, and I offer him my congratulations for his work.

Mr. DAUB. I thank my ranking member very much. I want you all to know that it is a good program, and I think it is a better one now than it has ever been. I think our committee made progress, but in deference to my chairman and to the Small Business Administration and their request, we will give them the opportunity to continue to make progress so that a lot more people can take advantage of this very good program.

I thank the chairman and I yield back the balance of my time.

The CHAIRMAN. Are there further amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—DISASTER LOAN ASSISTANCE

SEC. 301. Section 7(c) of the Small Business Act is amended by adding the following:

"(5) Notwithstanding the provisions of any other law, the interest rate on the Federal share of any loan made under subsection (b)(1) on account of a disaster commencing on or after October 1, 1982 shall be—

"(A) in the case of a homeowner unable to secure credit elsewhere, the rate prescribed by the Administration but not more than one-half the rate determined by the Secre-

tary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans plus an additional charge of not to exceed 1 per centum per annum as determined by the Administrator, and adjusted to the nearest one-eighth of 1 per centum, but not to exceed 4 per centum per annum;

"(B) in the case of a homeowner able to secure credit elsewhere, the rate prescribed by the Administration but not more than the rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans plus an additional charge of not to exceed 1 per centum per annum as determined by the Administrator, and adjusted to the nearest one-eighth of 1 per centum, but not to exceed 8 per centum per annum;

"(C) in the case of a business concern unable to obtain credit elsewhere, not to exceed 4 per centum per annum;

"(D) in the case of a business concern able to obtain credit elsewhere, the rate prescribed by the Administration but not in excess of the lowest of (i) the rate prevailing in private market for similar loans, (ii) the rate prescribed by the Administration as the maximum interest rate for deferred participation (guaranteed) loans under section 7(a) of this Act, or (iii) 8 per centum per annum. Loans under this subparagraph shall be limited to a maximum term of three years.

"(6) Notwithstanding the provisions of any other law, such loans, subject to the reductions required by subparagraphs (A) and (B) of paragraph 7(b)(1), shall be in amounts equal to 100 per centum of loss. The interest rates for loans made under paragraphs 7(b) (1) and (2), as determined pursuant to paragraph (5), shall be the rate of interest which is in effect on the date the disaster commenced: *Provided*, That no loan under paragraphs 7(b) (1) and (2) shall be made, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred (guaranteed) basis, if the total amount outstanding and committed to the borrower under subsection 7(b) would exceed $500,000 for each disaster unless an applicant constitutes a major source of employment in an area suffering a disaster, in which case the Administration, in its discretion, may waive the $500,000 limitation: *Provided further*, That the Administration, subject to the reductions required by subparagraphs (A) and (B) of paragraph 7(b)(1), shall not reduce the amount of eligibility for any homeowner on account of loss of real estate to less than $100,000 for each disaster nor for any homeowner or lessee on account of loss of personal property to less than $20,000 for each disaster, such sums being in addition to any eligible refinancing. With respect to any loan which is outstanding on the date of enactment of this paragraph and which was made on account of a disaster commencing on or after October 1, 1982, the Administrator shall make such change in the interest rate on the balance of such loan as is required herein effective as of the date of enactment.".

SEC. 302. Section 20 of the Small Business Act is amended by striking all of paragraph (5) of subsection (q) after the word "Administration" and by inserting the following "is authorized to make $100,000,000 in direct loans and for the programs authorized by sections 7(b)(1) and 7(b)(2) of this Act, the Administration is authorized to make $440,000,000 in direct loans.".

SEC. 303. Section 18(a) of the Small Business Act is amended by striking "October 1, 1983" and by inserting "October 1, 1984".

SEC. 304. Section 7(b) of the Small Business Act is amended as follows:

(a) by striking out the period at the end of paragraph (2) and by inserting in lieu thereof a semicolon;

(b) by striking out the period at the end of paragraph (3) and by inserting in lieu thereof "; and"; and

(c) by adding after paragraph (3) the following new paragraph:

"(4) To make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Adminstration may determine to be necessary to assist, or refinance all or part of the existing indebtedness of (specifically including any direct loans under section 7(a) of this Act which were made to small businesses affected by currency fluctuations and exchange freezes), any small business concern located in an area of economic dislocation that is the result of the drastic fluctuation in the value of the currency of a country contiguous to the United States and adjustments in the regulation of its monetary system if such concern is unable to obtain credit elsewhere. The Governor of a State may certify to the Adminstration (A) that small business concerns within the State have suffered substantial economic injury as a result of such economic dislocation, and (B) that such concerns are in need of financial assistance which is not available on reasonable terms. Such economic dislocations must be of such magnitude that without the benefit of loans provided hereunder a significant number of otherwise financially sound small businesses in the impacted regions or business sectors would either become insolvent or be unable to return quickly to their former level of operation. No loan made hereunder shall exceed $100,000, nor shall the proceeds thereof be used to reduce the exposure of any other lender. The Administration may permit deferral of payment of principal and interest for one year on loans made hereunder.

SEC. 305. Section 20(q) of the Small Business Act (as amended by section 101 of this Act) is further amended by striking from paragraph (5) "section 7(b)(3)" and inserting in lieu thereof "sections 7(b)(3) and 7(b)(4)".

SEC. 306. Section 20(t) of the Small Business Act (as amended by section 101 of this Act) is further amended by striking from paragraph (5) "section 7(b)(3)" and inserting in lieu thereof "sections 7(b)(3) and 7(b)(4)".

SEC. 307. Paragraph (1) of section 4(c) of the Small Business Act is further amended by inserting "7(b)(4)," after "7(b)(3),".

SEC. 308. The amendments made by sections 304 through 307 of this Act shall apply to economic dislocations certified by any State Governor to the Small Business Administration after the date of enactment of this Act providing such dislocation commenced since January 1, 1982.

SEC. 309. Section 7(b)(3) of the Small Business Act is amended as follows:

(a) by inserting "continuation of," after "in effecting"; and

(b) by inserting the following at the end of such paragraph: "For the purposes of this paragraph, the impact of the 1983 Payment-in-Kind Land Diversion program, or any successor Payment-in-Kind program with a similar impact on the small business community, shall be deemed to be a consequence of Federal Government action.".

SEC. 310. Section 7(c)(4) of the Small Business Act (as amended by section 214 of this Act) is further amended by adding the following at the end thereof: "Employees of concerns sharing a common business premises shall be aggregated in determining 'major source of employment' status for non-profit applicants owning such premises.".

SEC. 311. Section 3 of the Small Business Act is amended by adding the following new subsection at the end thereof:

"(j) For the purposes of section 7(b)(2) of this Act, the term 'small agricultural cooperative' means an association (corporate or otherwise) acting pursuant to the provisions of the Agriculture Marketing Act (12 U.S.C. 1141j), whose size does not exceed the size standard established by the Administration for other similar agricultural small business concerns. In determining such size, the administration shall regard the associations as an entity and shall not include the income for employees of any member shareholder of such cooperative: *Provided*, That such as association shall not be deemed to be a small agricultural cooperative unless each member of the board of directors of the association, or each member of the governing body of the association if it is not incorporated, also individually qualifies as a small business concern.".

SEC. 312. Section 7(b)(2) of the Small Business Act is amended as follows:

(a) by striking "small business concern" and inserting in lieu thereof "small business concern or small agricultural cooperative";

(b) by striking "small business concerns" and inserting in lieu thereof "small business concerns or small agricultural cooperatives"; and

(c) by striking "the concern" and inserting in lieu thereof "the concern or the cooperative".

SEC. 313. The amendments made by sections 311 and 312 of this Act shall apply to loans granted on the basis of any disaster with respect to which a declaration has been issued after September 1, 1982, under section 7(b)(2)(A), (B), or (C) of the Small Business Act or with respect to which a certification has been made after such date under section 7(b)(2)(D) of such Act.

SEC. 314. The Small Business Act is amended by adding the following new section:

"SEC. 26. Unless otherwise specifically provided by law, the Administration shall—

"(a) within ninety days after the effective date of this Act, and any subsequent amendments to this Act or the Small Business Investment Act, publish in the Federal Register proposed rules and regulations implementing such laws; and

"(b) within one hundred and eighty days after the effective date of this Act, and any subsequent amendments to this Act or the Small Business Investment Act, publish in the Federal Register final rules and regulations implementing such laws.".

SEC. 315. This Act shall take effect October 1, 1983: *Provided*, That the amendments made by sections 224 and 227 shall not apply to any disaster which commenced on or before July 2, 1980.

The CHAIRMAN. Are there any amendments to title III?

AMENDMENTS OFFERED BY MR. MITCHELL

Mr. MITCHELL. Mr. Chairman, I offer four amendments. These are all technical amendments, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. MITCHELL: Page 32, strike all of lines 24 and 25 and insert in lieu thereof "and".

Page 33, line 1 strike "(c)" and insert "(b)".

Page 35, line 7 strike "action" and all that follows on such line and insert "action; and".

Page 37, strike line 13 and all that follows through line 16.

Mr. MITCHELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. MITCHELL. Mr. Chairman, let me say to my colleagues that these are technical amendments in nature, simply correcting duplications in references caused by amendments adopted by the committee.

In addition, they make the bill effective on enactment rather than retroactive to last October.

We have discussed these technical amendments with the ranking minority member.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. I am delighted to yield to the gentleman from Pennsylvania.

Mr. McDADE. Indeed the chairman has discussed the amendments. These are technical in nature, and I hope the House will adopt them.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Maryland (Mr. MITCHELL).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. ECKART

Mr. ECKART. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ECKART: Page 32, strike out line 20 and all that follows through line 21 on page 34.

Page 34, line 22, strike out "SEC. 309." and insert in lieu thereof "SEC. 304.".

Page 35, line 8, strike out "SEC. 310." and insert in lieu thereof "SEC. 305.".

Page 35, line 14, strike out "SEC. 311." and insert in lieu thereof "SEC. 306.".

Page 36, line 6, strike out "SEC. 312." and insert in lieu thereof "SEC. 307.".

Page 36, strike out lines 16 and 17 and insert in lieu thereof the following:

SEC. 308. The amendments made by sections 306 and 307 shall apply to loans granted on the basis of

Page 36, line 23, strike out "SEC. 314." and insert in lieu thereof "SEC. 309.".

Page 37, line 13, strike out "SEC. 315." and insert in lieu thereof "SEC. 310.".

Mr. ECKART (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ECKART. Mr. Chairman, the purpose in offering this amendment is to strike the special program which creates a new entitlement to assist certain small businesses located along this Nation's border with Mexico as a result of adverse impact that these industries and businesses have suffered as a result of devaluation of the peso.

This new entitlement program would in fact perhaps be meritorious. I do not bring to this floor any particular objection to the Small Business Administration's assistance to small businesses that have suffered as a result of trade imbalance. The objection that I bring to this floor concerning this particular new entitlement program for a single class of businesses, the consequences of which have been the subsidization for the fourth time by the American taxpayers of businesses located along our border I think raises very serious questions.

We, just a few months ago, enacted on this floor a $8.4 billion giveaway to the International Monetary Fund for the purposes of assisting Third World nations to deal with the consequences of their inability to finance their debt. And the central thrust of that was to protect and preserve American businesses.

But how many of us are prepared to go home, having enacted a special individual program for a very small, select group of businesses located in a very small, narrow portion of these United States, when your small business companies cannot get loans as a result of the difficulties that the steel industry has experienced, that the machine tool industry has experienced, in the Northwest that the plywood industry has experienced, that the dairy industry has experienced as a result of case in imports, and that fasteners have experienced, autos, chemicals, and glass?

I am ill prepared to return to my district to face my small businessmen and say because you happen not to be located on the border with Mexico we cannot help you.

This is a serious economic problem. But the peso devaluation is a symptom. The crisis is the Third World inability to finance its debts.

This, is the fourth time that Congress has bailed these people out. In 1976 the Congress created a special program to deal with the first devaluation, and now we are back here once again.

A small businessman from the town of Calexico, Calif. said, "We don't want this small business aid. We can take care of our own problems."

If we are truly interested in dealing with the creation of new entitlement programs, if we are truly interested in dealing with the problems of international trade that have affected all or our constitutents from the overvaluation of the yen to the capitulation of certain Eastern European countries that refuse to use the foreign aid that we give them to purchase from American businesses, then let us deal with it in a program that affects small businesses that have been deleteriously and disadvantageously affected as a consequence of all trade problems.

Why select a single, narrow, special interest for particular help, however meritorious that may be, when in fact I cannot look my small businessperson in the eye and tell him why we cannot help him out.

Now, what has been done in this bill is the creation of a new entitlement, an entitlement that we saw fit, this Congress, to repeal in 1981 with the passage of the reconciliation legislation. Perhaps there was some merit in doing so.

But if we are going to deal with trade problems, let us not come here and scrape off one problem of rust. Let us deal with the problem of trade for all industries, all small businesses, no matter where they happen to be located.

This legislation, I am convinced, is not necessarily in the national interest, and I submit to you that section 304, in creating a program that many people who will seek to defend it were responsible for repealing in 1981, does not make sense.

I would urge this Committee in rejecting section 304 to instruct the conferees, if they are truly interested in the consequences of settling an issue which our own administration has told us is 36 times the amount of money that we are appropriating, or roughly $3.6 billion in need, and we appropriate $100 million of entitlement, then I think we are embarking on the wrong road.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. ECKART) has expired.

(On request of Mr. HUNTER and by unanimous consent Mr. ECKART was allowed to proceed for 1 additional minute.)

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. ECKART. I am happy to yield to my friend from California.

Mr. HUNTER. I appreciate my friend yielding.

My friend mentioned that one businessman from Calexico, Calif., said

"we do not need these loans." I have conducted extensive meetings in that area and there are many individuals who not only desire the loans but need the loans. And I think that the question we have to ask is the same question you asked in regard to disaster loans of any type. What is a disaster? Is a flood a disaster? Is an earthquake a disaster? What happens when the Colorado River overflows and you have farmers who have had their land rendered unproductive?

□ 1710

I would submit that when you have a 500-percent devaluation, and essentially a devaluation is inflation, then the situation is a disaster for the affected businesses.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. ECKART) has expired.

(By unanimous consent, Mr. ECKART was allowed to proceed for 2 additional minutes.)

Mr. ECKART. I continue to yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

When you have this radical inflation and you have an economy along the border that is based basically on the Mexican customer and that customer is for all practical purposes eliminated, whether he is a business or a consumer and you have, for example in Calexico, of the 350 retail businesses, 20 percent of the businesses going broke within only a few months, I would maintain that you do in fact have a disaster.

I think such a situation is different from a regular business recession; and I think that it does merit special attention.

Mr. ECKART. If I may recapture my time, I would concede that the point the gentleman from California makes is a good one. However, I have hothouse vegetable growers in Ohio who have lost their markets because of the penetration by Canadian tomatoes and lettuce into northern Ohio as a result of import duties that the Canadian Government has relaxed. I have not come here seeking special help for the hothouse growers of northern Ohio.

What I am saying is that if you are going to embark on this program I would be more than willing to look at a broadly targeted program that says specific, narrow, well-directed targeted assistance as a result of trade inequalities, but not to pick one region, a handful of States, no matter how egregious the injury they may have suffered, to the detriment of a wide range of other taxpayers all across this Nation who are asked to fund that program and in fact do so without having the opportunity for having any benefit because they happen not to live on the border of one of our favorite allies and trading partners, the great nation of Mexico.

Mr. HUNTER. Mr. Chairman, will the gentleman continue to yield?

Mr. ECKART. I would be happy to yield further.

Mr. HUNTER. I thank the gentleman.

I think the gentleman may be missing the point. The point is not that these businesses happen to be on the border; they happen to be businesses whose viability is predicated on a sound foreign currency and that currency undertook a disastrous drop.

So whether that business was in Ohio or was in California, you would have exactly the same problem. I appreciate my friend yielding.

Mr. DE LA GARZA. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, before we proceed any further on this amendment, I think it might be well to recite a little history. And the gentleman, my colleague from Ohio, has made a preface that we should have a broad, general type of amendment. We did; that is why I need to explain.

I think it should be made explicitly clear that we were forced into this situation. It is of national significance, but: First, there was a broad economic impact disaster loan. It did not work all that well, and there was even some accusation that it was misused.

Therefore, the intent was to narrow the scope of that amendment. Hence a group, including myself, decided that we needed to define narrowly the area that we wanted to have an economic disaster applied.

Now, the gentleman from Ohio says that this is for a narrow group of a few people. Not so, Mr. Chairman.

We do not manufacture what we sell in the retail establishments on the border. Those items are manufactured in Ohio, in Michigan, in Illinois, in New York, in Massachusetts, in New Jersey, and in Delaware.

So your unemployment in many parts of Ohio is linked to whether you sell or do not sell the item in McAllen, Tex. We do not manufacture anything of what we sell there.

Then we add to that an extension of our country. Unfortunately, the river, the Rio Grande or the Canadian border; that is not the end of the market. The market extends on either side of the border. And in our situation on the Mexican border the market extends the breadth and length of Mexico.

So it is important to us to have stability in Mexico, yes. It is important for us to have a strong peso. But should it falter for no cause of our own, it impacts on our retailer, on our wholesaler who sells items manufactured away from the border; the tractors, the cars, the retail items, the medical supplies, clothing, none of that is manufactured in our area.

Now, I wanted to make something else very clear: We narrowed it down for one reason, so that you would not have the broad economic impact, economic distress for everyone who felt that he was economically distressed.

We now have a situation in our area, we had the general recession, then we had the peso devaluation, then we had a freeze. There is a New York Times article "Bad Goes to Worse for the Farm Workers in the Rio Grande Valley." If you would permit me to cite:

The official unemployment figure for Starr County in January was 50.6 percent. Hidalgo County was a little better; 25 percent unemployed; Cameron County, 16 percent. But if farmworkers were included, it would be 30 percent.

Now I want to make this very, very clear; we defined it so it would not be used except in narrow circumstances. That we tied to the peso in the contiguous country does not mean that it is not of national significance. We do that all the time. I will tell you that we passed a jobs bill here recently; last year, we passed a jobs bill. That jobs bill had 52 weeks of unemployment compensation. This was for our friends in the industrial North.

Mr. ECKART. Mr. Chairman, will the gentleman yield to me on that point?

Mr. DE LA GARZA. I yield briefly to the gentleman.

Mr. ECKART. I thank the gentleman for yielding.

Is it not true that the farmers in the gentleman's own district also received the benefits of that legislation?

Mr. DE LA GARZA. That is what I am getting at. That is what I am getting at. That is what I am getting at.

Mr. ECKART. I just wanted to make that clear.

Mr. DE LA GARZA. We passed this jobs bill, all the discussion here was for steel, shoes, clothing, cars; it was for our friends in the Northeast. We went along.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. DE LA GARZA was allowed to proceed for 3 additional minutes.)

Mr. DE LA GARZA. We went along, we read the reading and the writing and we felt that it was needed, that it was necessary, that it was the right thing to do and we went along and I supported it.

When we had our economic disaster on the freeze, we found out that we did not have the usual Federal emergency management procedures. They are geared for earthquakes, for floods, hurricanes, whatever, not for economic disaster.

So we had a problem that the bulk of the farmworkers are not covered by the regular unemployment compensation. And here because we had done the right thing, because we had sympathized with the need of our brethren, our fellow citizens in the Northeast, lo and behold we found out that our farmworkers could qualify under that program that we had passed.

And if you read the RECORD, there is no mention of farmworker, there is no mention of agriculture; it is all the mention of the Northeast. But because we went along and did the right thing for our brethren in the Northeast, the good Lord took care of us and we were able to give a little assistance to people that needed it very badly under that legislation.

So I would not want my distinguished colleague and friend from Ohio to say that we are trying to be greedy, to bring it to an area. Not so.

We have already shared, we have already shared in the benefits of what we thought we were passing for them, in Ohio, New Jersey, and New York. And because of what we did, we were able to share in that bounty. It has been life or death, food or no food for many farm workers; and this is the same situation.

Under the regular program of 14-X percent you just cannot function. The regular program for SBA is fine, but not when you are in depressed, tripleshot depression: The recession, the peso, and now the freeze.

□ 1720

You need a special disaster little lower rate. It still is not that much below the cost of money to the Government.

Mr. ECKART. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from Ohio.

Mr. ECKART. I thank the gentleman for yielding.

Having watched the gentleman manage countless numbers of bills as chairman of the Committee on Agriculture on this floor and knowing the skill with which he does so, I just want to compliment the gentleman that it could possibly have somehow escaped the gentleman and the gentleman's committee's perusal that that unemployment compensation bill would have benefited the hard-needed farmers in the gentleman's constituency.

I am delighted that the good Lord was able to watch over that piece of legislation on behalf of the farmers of Texas. And the gentleman did well and the good Lord done well and the people of Texas did well.

The CHAIRMAN. The time of the gentleman from Texas (Mr. DE LA GARZA) has expired.

(By unanimous consent, Mr. DE LA GARZA was allowed to proceed for 1 additional minute.)

Mr. DE LA GARZA. I thank the gentleman for his kindness and generosity. And I know of no special virtue by which to pass legislation except to speak the truth always. And this is what I try to do.

I would hope that the distinguished gentleman would consider withdrawing his amendment because it is not right. It is not fair. The gentleman really does damage to what we could do together for people in other areas, people in need. I think that the gentleman, as conscientious and as objective as he is, I think, has taken the wrong step in this case because it is not selective, it is not parochial. Everything that we are trying to keep in place is manufactured some other place. We are only trying to keep the small businessman, the few jobs, working in that area and having the jobs in the gentleman's area and throughout the Northeast where the items are manufactured.

Mr. OLIN. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, I am not going to take the full 5 minutes. I recognize that I am not going to probably be able to impress the gentleman from Texas, my chairman of the Committee on Agriculture.

On the other hand, I would like to make a couple of points.

The first one is that certainly nobody here is opposed to reasonable measures to help businesses that are in serious trouble by disasters. The problem we have is how do we write a bill that does this in a way where we contain the commitment, where the money will go actually to the businesses that are in serious trouble because of that situation and it will not broadly open up a run on the Federal subsidy, the Federal Treasury.

In this case I think we failed to create such a bill. In this bill we would provide the disaster assistance loans to businesses, in this case, that have had peso difficulty, either to refinance the business totally under their present debt structure or give them new loans.

This financial assistance will be rendered, as it says in the bill, in the event that financial assistance is not available from other sources on reasonable terms. It will be available to the extent that it will restore the businesses. It will be available to any business that is unable on its own to return quickly to its former level of operation.

Mr. Chairman, it seems pretty clear that rather than having a bill that can contain this problem and to the people that really need the help, it is gong to open up a rather broad obligation on the part of the Federal Government to provide disaster loans at either 8 percent interest rate or 4 percent interest rate to almost any businessman, on the Mexican border, that can claim that in some way the devaluation of the peso has caused a problem to his business.

It does single out a single category of business for this special attention. We have got thousands of businesses in this country that have difficulty in one form or another because of circumstances beyond their control. I agree with the gentleman from Ohio, who submitted the amendment, that if we were to craft a program which found a way of defining the nature of disasters that we were willing to protect against, that would contain the loaning of interest-free money or intersubsidized money only to those businesses that really were facing bankruptcy for that reason and could not find any other way out, that were good businesses, that deserved to survive; if we could do that, I would support it.

But, Mr. Chairman, I submit that we are not in that situation here, that there are hundreds and hundreds of businesses around the country that need this kind of help. We need to pass this particular amendment. We need to take this feature out of this bill and recraft something that makes sense for the country.

Mr. MITCHELL. Mr. Chairman, I would like to get an idea as to how many other speakers we might have on this amendment. The reason for so doing is that we are trying to shoot for about a time around 6 o'clock where the committee will rise and continue for tomorrow.

Could I get some idea how many Members want to speak on this amendment.

What is the total number?

The CHAIRMAN. The Chair counts nine.

Mr. MITCHELL. Mr. Chairman, I ask unanimous consent that all debate on this amendment and amendments thereto conclude at 5 minutes to 6.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

PARLIAMENTARY INQUIRY

Mr. KAZEN. Mr. Chairman, reserving the right to object, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. KAZEN. How much time does that give us apiece?

The CHAIRMAN. The Chair will advise the gentleman about 3 minutes each.

Mr. KAZEN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. MITCHELL. Mr. Chairman, I will withdraw my request. Let us see how we proceed in time then. I might renew it.

Mr. COLEMAN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by my colleague from Ohio.

I think all of us in this House sympathize with his concerns about the Northeast, the industrial heartland as a whole, an area that has been wrought with great recession, indeed, in some areas it can truly be called depression.

But I cannot agree with his assessment that the peso impact loan program would provide a special entitlement to businesses along the border who trade mostly with Mexico.

Now there have been some statements made here in the well and in this body this afternoon that attempted to discuss the trade deficit. I think they ought to be understood. In a better way I think that what the gentleman from Ohio fails to understand is what effect the devaluation of the peso had on the Nation's trade deficit, as well as the compounded effect it had on the border.

As a nation we do not trade only with West Germany and Japan. On the contrary, Mexico is our third largest trading partner. I would consider them to be certainly an important customer and partner.

The aftershock of the peso devaluation to the border region has been devastating, to say the least. The economies of the cities along the border were ultimately greatly harmed when peso devaluations of 1982 dropped retail sales by 60 percent.

□ 1730

U.S. exports to Mexico have declined for 2 straight years. In 1983, exports continued to decline by 23 percent from 1982. Mexico's exports, by contrast, to the United States have increased by 23 percent above the 1982 figure.

I think it is obvious, from the simple reading of those numbers, that the trade deficit along the border is not only a result of the peso devaluation, as well as Mexico's austerity programs mandated by the very International Monetary Fund that was referred to by the gentleman from Ohio, but that it has also greatly contributed to our entire Nation's trade deficit.

I think really and truly many of our colleagues here in this body do not understand, necessarily, as well as those of us in the Border Caucus, those of us who represent congressional districts contiguous to the Mexico border, the problems and the needs of the citizens in our own country. That is what we are talking about. We are discussing the needs and the concerns of small businesses along the border that have been devastated—many, of course, have already gone bankrupt—as a result of something we in this Nation could not really control.

I think it is important, furthermore, to understand the bilateral relationship with Mexico in many other ways. I think that for too long the Federal Government in Washington has turned a deaf ear toward the cries of our Nation's borders. By deleting this program, we would be sending a message loud and clear that, regardless of your problems along the border, as well as those of our friend and ally across the border, we just plain do not care. Well, that is the wrong message to send. I have every confidence that every Member of this body will understand that that is wrong. And I therefore have great confidence that every Member of this body, all of my colleagues, will help to defeat this amendment, send the right message to the border businesses, and support the peso impact loan program.

Mr. McCAIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment, and I will try to make my remarks rather brief since the situation was very well covered by my colleague, the gentleman from Texas.

I would like to point out the opponents of this bill or this program argue that it is unfair because all the businesses throughout the country have been hurt by the imbalance in the yen/dollar ratio. I am not sure that they understand that small businesses on the border have been hit by the imbalance of the yen/dollar ratio, but they have also been severely damaged by the devaluation of the peso.

I am not sure that people are aware of the gravity of the problem who have not been to these areas, where in just 1 year the peso dollar ratio was changed by a factor of 6, the peso dollar exchange rate falling from 25 to 1 to 150 to 1.

Retail sales in these small towns fell by 50 percent or more. Bankruptcies have soared. Unemployment in our border towns exceeds 30 percent. Lost revenues have crippled local governments there.

I would like to emphasize one aspect of this bill and why it is so crucial. We are not talking about bailing out Chrysler, and we are not talking about loans to New York City. We are talking about taking care of the heart of America, which is small businesses. Ninety-nine percent of the people who will benefit from this portion of the bill employ 10 people or less.

I urge my colleagues to oppose this amendment and vote against it.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. McCAIN. I yield to the gentleman from California.

Mr. HUNTER. I appreciate my good and articulate colleague, the gentleman from Arizona, for yielding, and I appreciate the statements that have been made by the other members of the Border Caucus. I think one point that has to be made again is that we are not talking about geography, we are talking about a currency devaluation. We are also talking about the fact that every business that can remain open on the border is a multiplier for the United States trade surplus with Mexico.

In 1981, according to the U.S. Commerce Department, Mexican nationals purchased $4.8 billion worth of goods and services in the border region. That is not an amount to be sneezed at. This figure dropped to $450 million in 1982. What an incredible collapse.

Again, to go back to the statements made by my friend, the gentleman from Ohio, what is a disaster? Certainly this disaster, this economic disaster, is just as detrimental to those businesses along the border as any earthquake or flood or other type of a natural disaster.

In my district, I can give you some examples: We had one business off 60 percent, another off 75 percent, another 30 percent, another off 50 percent, another off 80 percent—all within a matter of weeks and, in a few cases, months.

So we had a disaster. Again, this disaster reverberates and goes back to every supplier and every manufacturer of goods in the United States that sells to that border region.

So let us go ahead and pass this bill. Let us defeat the amendment. The bill is fair. It is not going to provoke a stampede for loans. We have not had that many applications for loans at the 14 percent rate, but there are some people who will be helped by these loans and do need them who will apply for the 8 percent rate. So let us go ahead and pass this provision and let us continue to build our surplus with Mexico, which is very important to the economy of this Nation.

Mr. ORTIZ. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, after reviewing this amendment offered by the gentleman from Ohio, I believe some clarification is in order to clear up the disinformation it is perpetuating.

Frankly, the analogy this amendment seeks to make between small businessmen suffering from foreign competition and small businessmen suffering from the peso devaluation is false. I do sympathize with those businessmen who have lost their livelihood because of inroads made by foreign competitors, but this is not the case with the merchants along our southern border.

Businessmen on the border were not under priced by competitors, they did

not lose their domestic manufacturing base. They lost their customers, and they lost 80 to 90 percent of them in the course of several days. These customers were Mexican nationals that spent pesos in this country for products that were often manufactured by Americans from many States like the gentleman's State of Ohio.

Santos's Tire Store in Laredo is just one good example of the benefits Ohio derived from the high level of business transactions on the border. Before devaluation, Mr. Santos serviced Mexican trucks with Goodyear tires from Akron and parts ordered direct from factories in Akron and Cleveland. After devaluation, Mr. Santos lost 80 percent of his business, closed one of his stores and stopped ordering practically any parts from Ohio.

Tires and auto parts are not the only products from Ohio to be found in hundreds of stores on the border. Due to the high birth rate in Mexico, its citizens buy massive quantities of baby products, sinkware and bathware produced by Rubbermaid of Ohio. The older children want bicycles. Huffy of Ohio was able to sell their product before devaluation.

Mr. Chairman, section 304 of this bill will allow small businessmen to sustain themselves until the peso-dollar exchange rate returns to normalcy. Some progress has been made in this respect, but the days of near unlimited demand for tires and for baby supplies is still far in the future.

Once this turn around occurs, several million customers will return to this country to buy products made by people in Ohio, in Texas, and in practically every other State in the Union. In the meantime, though, these loans are absolutely necessary if border merchants are to retain their businesses and our manufacturing heartland is to retain one of its most vital domestic markets.

I urge all of my colleagues to consider these facts and to oppose this amendment.

Mr. SKEEN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I am opposing this amendment, and I have listened to the arguments and, not to be redundant but to once again explain what we are talking about in total impact is exactly what this provision was put in there for. There was no other access to help in the kind of economic situation and disaster that was suffered along the border of the United States and Mexico. Something had to be done, and it had to be done immediately because the impact was tremendous.

It has been well administered. If this had been in some area in the Northeast—and I do not want to start a civil war between the Northeast and the Southwest because we are going to have to remain friends all through this thing—but this was an absolute economic, essential motivation and an essential program that has been well administered and has worked well until we get this thing stabilized.

I urge the defeat of the amendment before the bill is passed.

Mr. KAZEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment and in strong support of section 304 which is the peso impact loan program included in H.R. 3020. I urge my colleagues to consider the grave situation along the United States-Mexico border in joining me in opposition to efforts to delete this section.

The point I have tried to get across and the point I thought was well understood until this amendment was filed is that the border is suffering from severe problems of historic proportions, problems of a nature which deserve the attention of the Federal Government. Had these tragic problems been caused by a hurricane or a tidal wave, there is no question that our country would immediately go to the rescue.

□ 1740

When hundreds of businesses are flooded or destroyed, and thousands of people face unemployment as a result, we as a nation traditionally respond to the emergency with assistance as rapidly as we can. Not only within our borders, but outside of our borders.

We have sat here year after year after year offering help to every single country in the world whose citizens are not as bad off as our citizens that live along the border from Brownsville to San Diego, Calif.

President Lincoln at one time said:

The Federal Government should do for people those things which they cannot do for themselves.

This is a classic example of people not being able to do for themselves and the only place where they can turn is to their Federal Government. Certainly, this Government should not shy away from its responsibility.

You know, what we are doing is not new, as has already been stated. Nonphysical disaster loans were recognized, and rightfully so, until they were terminated under Gramm-Latta. Because there was no funding in fiscal years 1982, 1983, and 1984, the committee has agreed with those of us who introduced legislation that there should be specific coverage of economic dislocation from foreign currency devaluation.

Let me, my friends, point to the fact that there are those on both sides of the aisle, as you have witnessed this afternoon, this is not a political question; it is nothing but an economic situation affecting Americans. Not only, as has been already explained, are those of us on the border affected, but every single manufacturer in the entire country is affected because those of us on the border actually were really too late to help hundreds of businesses that have already gone bankrupt.

Not only should we save these remaining interests and businesses that we have, help them along through this crisis as we did before in the previous peso devaluations that we had in the past, and the program worked beautifully at that time. We kept them from going under.

I ask of you, my colleagues, help us save American businesses, American jobs, all over this country, and forget that this is just along that narrow border area from Brownsville, Tex., to San Diego, Calif. It is for Americans, and this country should be grateful to be able to come to the help of people who need help through no fault of their own.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman makes an excellent point that that $4.8 billion worth of goods and services that were sold to Mexican nationals along the border in 1981, were primarily goods and services that were delivered and that were produced in America, throughout America, and my figures show me that that represents about 150,000 jobs throughout America that we are talking about.

Is that accurate?

Mr. KAZEN. The gentleman is absolutely correct. I do not see how else we can explain to the gentleman from Ohio that his people have been suffering because of the situation along the border; that his manufacturers, his suppliers are affected.

The CHAIRMAN. The time of the gentleman from Texas (Mr. KAZEN) has expired.

(On request of Mr. GONZALEZ and by unanimous consent, Mr. KAZEN was allowed to proceed for 3 additional minutes.)

Mr. KAZEN. Let met point out to the gentleman, in all fairness, that this is a national problem, a national problem that should be dealt with by the National Government of this country, and we are here to do just that.

It makes no sense to vote millions upon millions of dollars for training people to do jobs, and then make jobs disappear from under them. It makes no sense to have people unemployed and join the unemployment lines and the welfare rolls, which costs us a lot more. Let me tell you: I have confidence in the Small Business Adminis-

tration to see to it that they administer this program properly.

The suggestion has been made here that every business down there is going to come and ask for this help and automatically get it. My friends, this is not so. They have got to meet criteria; they have got to stand scrupulous investigation before they are helped, and I say that those who deserve the help ought to get it.

This program should be there for those who can qualify and not just everybody on the whim of just wanting to take advantage of it.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman from Texas.

Mr. GONZALEZ. I thank the gentleman for yielding.

Mr. Chairman, I rise to support the gentleman in every single way that I can in what he has said. I am a member of this committee and I think I had a hand in some shaping of it, of this version of the bill pending, and I want to thank this illustrious fellow Texan who does have a district that borders right there in the affected area. The district I have the honor of representing in Texas is about 150 miles in, but we sort of share jurisdictional areas, and I wanted simply to rise to endorse what the gentleman has said, and thank him for his very able presentation of the case in support of the bill with the present clause.

Mr. Chairman, I oppose the amendment offered by the gentleman from Ohio (Mr. ECKART). It is almost impossible to imagine the economic devastation that has hit the Texas border area—not just because of the peso devaluation, but because of severe weather last December. Unemployment in the border area of Texas is in the range of 30 percent or more; beyond all doubt the greatest economic distress in the country is along the Mexican border. The SBA peso loan program offers only a slender thread of hope and assistance, and if the amendment offered by the gentleman from Ohio is adopted, even that tiny thread would be cut.

The peso loan program is purely and simply a minimal response to the greatest economic disaster that exists in this country. It is help that in practical terms is available only to the strongest businesses in the border region; it is help that is made necessary be events that are a disaster as surely as a flood is a disaster. It is nothing more nor less than a disaster loan program.

I know that the industrial heartland has been affected, and badly so, by import competition. But there have been responses to that. There is a quota on Japanese imports; there are antidumping cases on steel; and the Congress has provided such assistance as extended unemployment benefits. All that the peso program does is provide an affirmative response to a specific problem. It does not adversely affect anybody; it only addresses a crying, burgeoning need.

The collapse of the Mexican economy, and the collapse of the peso, has meant that the value of the peso declined from about 20 to the dollar 3 years ago to about 160 to the dollar today. The peso, in short, is worth perhaps one-eighth of its former value. When you translate that into commercial reality, the result is a commercial disaster—far more devastating than anything that any part of this country has seen since the Great Depression, a disaster at sudden and complete as the eruption of Mount Saint Helen. The economic disaster in the Texas border region has been total, and there is no way that it can overcome without realistic assistance. The peso loan program is not a gift; it can help only the strongest; and it represents the very least that the Federal Government can do to respond to a crisis that has wiped out a very high percentage of all commercial activity along the entire United States-Mexico border. If the House kills the peso loan program, it will simply be adding one more burden to an area that is already devastated.

Adoption of the Eckart amendment will not help anybody; it will only hurt people who are already injured; it will only penalize and punish people who are already punished beyond endurance; and it will only add misery to those who are already miserable. I ask you to consider, and to vote against the Eckart amendment. Let us keep the peso loan program, and leave that one little crumb on the table.

Mr. KAZEN. I thank the gentleman for his support.

Mr. Chairman, there is one last item I want to bring to the attention of the people here. You have heard about the unemployment along this border. It is difficult, gentleman, to stand before you this afternoon and tell you that in my district continuously since 1981 the unemployment figure has not come below 23 percent in Laredo, Tex., below 30 percent in Eagle Pass, Tex., and all up and down the border.

I leave to the rest of my colleagues to tell you what their situation is, but you try to live with that. You try to live with those types of figures; it cannot be done.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I take this time because I know that there are several amendments pending to the disaster section of this bill, and the debate indicates to me that some do not understand or have not heard the history of the disaster section of this bill.

We need to go back about 10 or 12 years and there would not be as much opposition to these amendments. There are going to be a couple tomorrow too, to try in one way or another to remove farmers from eligibility for disaster loans and discriminate against them and say to them "You cannot be treated like other small businessmen."

I want to take the time this time to remind you of the history of this part of the bill. The debate reminds me a little bit, and I was reminded as I sat here, of a fellow who was an alleged bear fighter back home. He had been up in the north woods and told these stories about how he fought these bears and someone said to him, give me a couple of ideas, what are the tricks you use to fight a bear?

He said, well, the first trick is that you try to find a small one, and then second, it helps you if you find one that is half dead. Well, that is what you are doing when you pick on people who are after some disaster loan money. You are talking about small people, and you are talking about people who are half dead.

Let us go back to Hurricane Camille. Back at that time and prior to that time there would be a disaster and somebody would rush in here with a bill and everybody would feel sorry for him and we would have a bill that would give him a $5,000 or a $10,000 grant and we would have forgiveness. There was no rationale, really, for one compared to another. So, in the midseventies we said, hey, look, this does not make sense. Also when you had a disaster, you had 10 or 12 agencies going out there. Somebody from HUD would go out there; somebody from Small Business; somebody from the Farmers Home Administration, and so forth.

□ 1750

You would have 10 agencies falling all over one another and they did not know who to see. Each one would say to go to the other one.

So we said, "Look, we ought to have a national program. We ought to put it into effect and leave it in effect before a disaster occurs, not be legislating after it occurs." So we said we will have a national loan program, not a gift program. There are no gifts in these programs. We took the forgiveness out of it. No gifts at all.

All we are saying to these people is, "If you have a disaster that you could not have anticipated, then you are entitled by your government to receive a loan." These are 8-percent loans, incidentally. The cost of money is slightly above that amount. These are 8-percent loans, and they only go to those who cannot get a loan at the bank.

Surely a fellow who has been paying taxes for several years ought to, in a

case like this, be able to borrow a little money at 8 percent for a little while.

They also look at the fellow and they say, "If you cannot pay it back, we do not make you the loan at all. But if you can pay it back, then we will figure out a schedule not to exceed 30 years." The average is 5 to 10 years. "We will figure out a schedule, and maybe you only need it for 3 months."

The disaster loans we had in Iowa in 1977 for as little as 3 months. It was a disaster to them if they had to go down and refinance an 8½-percent mortgage and go to a 12- or 14-percent mortgage in order to get money for 3 months. So we said, "We will give you a loan just for 3 months." Some of them got it for an average of 5 to 10 years.

Well, what in the world is the Government for? What is wrong with the taxpayer getting a little benefit once in a while? These are people who try to make some money. They try to hire some people. This is the time that they need a little money, when they have suffered a disaster.

This peso thing is not new. We had a peso program here 4 or 5 years ago. Small businesses along the Mexican border could not have anticipated this kind of a disaster when it hit them, and the farmers could not have anticipated what hit them in 1977.

So I say to you that this program makes sense. The physical disaster loan program is not limited to small business. A lot of people got that wrong, too. It is just administered by the Small Business Administration. Within the Small Business Administration we have a cadre of about 110 people who are experts on these national disaster programs. When there is a disaster, they go out, they look at it, they determine whether or not it ought to be eligible, that area, for disaster assistance. If it is, they set up the program. They have a list of former schoolteachers, former bankers, and so on and so forth, that they can hire on a temporary basis. They hire them to come in.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. SMITH) has expired.

(By unanimous consent, Mr. SMITH of Iowa was allowed to proceed for 3 additional minutes.)

Mr. SMITH of Iowa. They hire them to come in and in a short period of time they have become experts at it. They can get out the loan money or else they can tell them, "You are not eligible."

Let me tell my colleagues what happened. In the early years there were a lot of mistakes, and some people are still referring to them. But after 1977 we finally got it down to a fine-tuned point. In 1977 they came into Iowa, they loaned $340 million to farmers who badly needed it at the time, and 97 percent of those borrowers have or are repaying their loans, 97 percent.

What did the Government do for them when they were in trouble? They gave them a loan. Is that too much for the Government to do? That is what we are talking about when we talk about disaster assistance. We are not talking about gifts like we used to have. We are not talking about a special deal for everybody who comes along. We have it categorized now. They do not get the money in most cases unless they cannot get it elsewhere, and they only get it then for the period of time that it is necessary in order to get back to a normal situation.

So let us not attack this disaster program the way it has been, and let us remember this: that when you attack it, you are really attacking somebody who is down at a time when he really needs just a little help from the Government, and that surely is not too much to ask.

Mr. McNULTY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, 33 years living 7,000 yards from the international boundary of Mexico qualifies me to say a few things. The first deals with the persistent subject that this measure somehow affects adversely the balance of payments, the trade deficit of the United States. Although the idea is floated and then it seems to be reclaimed, it continually resurfaces, and like the ghost of the Flying Dutchman, seems to be condemned to fly around this Chamber forever, searching for its own soul.

The fact is that Mexico, until financial catastrophe of 1982, was an important buyer of U.S. products and the balance of trade between the Mexicans and the United States was a plus $24,024 million. That has changed, of course, with the remarkable devaluation of the peso that occurred from January of 1982 until the current time.

But the fact is, until so very recently, Mexico was a net buyer from our country, and everything that it did tended to improve the balance of payments. Imagine, then, contrasting that situation with that of Japan, which in its most recent year sold us $19 billion more in goods than we bought from them.

The two situations are not analogous at all, and the gentleman from Texas (Mr. HANCE) has made that clear in his letter.

The second thing that I wanted to say and conclude with is that I wish people who propose this amendment had read the 22d report by the Committee on Government Operations published November 18, 1983. Listen to the points that they make:

First, apropos of what the gentleman from California so intelligently brought to our attention, the number of dollars that were paid to U.S. border merchants by Mexican nationals declined 90 percent in 1 year, from $4½ billion to $450 million.

Second, the border cities were affected enormously, and places like Laredo lost 45 percent of their sales tax revenues.

Third, the areas most deeply impacted were clothing, food, automotive, electronic, restaurant, and home furnishings businesses.

Fourth, U.S. nationals increased their purchases in Mexico, thereby hurting U.S. border sales even more.

Fifth, unemployment in the border areas reached figures the likes of which you have rarely heard: 37 percent in Calexico, 30 percent in Yuma, 27 percent in Laredo, and so on.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. McNULTY. Indeed I will yield to the gentleman from Texas.

Mr. COLEMAN of Texas. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Arizona, I am sure, has heard some of the statements with respect to the loan program and that, in fact, these are moneys that are guaranteed to border businesses only, that it is an entitlement program.

I wonder how the gentleman would react to statements of that kind?

Mr. McNULTY. I thank the gentleman from Texas for the question, and I react in a very negative way: That these are not entitlement programs, but programs intended to throw a lifeline to the people who most desperately need it, who are American citizens, who will increase their capacity to do business with another nation, who will thereby benefit the balance of trade and who will repair, to some degree, the shattered economies of their communities.

Mr. COLEMAN of Texas. I thank the gentleman from Arizona for his leadership on this issue.

Mr. UDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment ought to be defeated.

I have a situation in Yuma, Ariz., where it is both along the border and along the Colorado River, which has been flooding the better part of a year. I have one brother who has a farm along the river and who was flooded out in the serious flood we have had. This individual can get all kinds of small business and other assistance. His brother, a half-mile away, who runs a business, has been destroyed and almost bankrupted by the the currency devaluation.

Both of these are disasters. One is a physical disaster and the other is an economic disaster in an adjoining country which sends shock waves into

our country. I think a distinction between a natural disaster and a financial disaster in this kind of legislation is not valid.

If a tornado were to hit Cleveland, Omaha, Nebr., or Roanoke, Va., the Small Business Administration would be setting up offices there tomorrow and offering low-interest disaster loans. Well, a financial twister which is just as damaging which has hit towns and communities on the 300 miles of Mexican border which I represent.

In 1982, the Mexican Government sharply devalued the peso. As a result, the exchange ratio fell from 1 to 25 to 1 to 150 in just 1 year. The purchasing power of the peso fell from 4 cents to just two-thirds of 1 cent. The impact on border towns like Nogales, Ariz., and San Luis was devastating. Retail sales fell by over 60 percent. Unemployment rose to 30 percent. Bankruptcies soard to an all-time high.

In time, business and commerce in border towns like Nogales will return to normal. But many small businesses will not survive without help. Section 304 of the bill which this amendment would strike out offers them disaster loans at 8 percent interest.

This type of action is not new. In 1977, Congress approved a nonphysical disaster loan program with specific application to drastic currency devaluations. The nonphysical disaster loan program, however, was suspended in 1981 and this specific authority was removed. Section 304 of this bill reinstates that authority. It makes it clear that the border communities will be helped.

Its important to recognize that we are dealing here with a very localized disaster. Most of the border towns are small towns. They depend heavily upon retail trade. When that retail trade dries up, the community itself is in danger. Government services are crippled.

This past week, I talked with city councilmen and officials from Nogales. They are confident that Nogales can survive, but they need help: The type of help that disaster assistance is intended to give.

I urge my colleagues to oppose this amendment.

□ 1800

Mr. MITCHELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is very late, and I had indicated that we had wanted to try to conclude this at about 6. I had opposed the amendment and I still do.

I just want to take a couple of minutes to reemphasize, first, that this is not an entitlement program. It is not an entitlement program, the program is not open ended, and it does not divert any funds from other small business programs. In fact, there is some $845 million in nonphysical disaster loans outstanding today.

I want to commend my colleague, the gentleman from Ohio (Mr. ECKART). He has raised a very interesting issue, and I think that our Small Business Committee ought to look at the impact of various trade problems on small businesses. I think I can give a commitment to the gentleman that that will be done because it is a big picture problem.

Mr. Chairman, with that kind of commitment, will the gentleman withdraw his amendment?

Mr. ECKART. Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. I am delighted to yield to the gentleman from Ohio.

Mr. ECKART. Mr. Chairman, as I said in my opening remarks in presenting the amendment, the issue was, from my perspective, a much larger one of fairness to small businesses that have similar problems but do not happen to be located in a particular geographic area.

So if I hear my friend and leader, the chairman of the committee, the gentleman from Maryland, correctly, if I can get the assurances of the Small Business Committee that we are going to take a bigger picture look at the whole question of trade and fairness in small business, I would be willing to acceed to the gentleman's request.

Mr. MITCHELL. Mr. Chairman, I think it is essential that the committee do that, and I will be pushing for the committee to accomplish that. It is very gracious of the gentleman to withdraw his amendment.

Mr. ECKART. Mr. Chairman, I make a unanimous-consent request to that effect at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. FRENZEL. Mr. Chairman, reserving the right to object, I make this reservation because I was not so attentive that I understood what wonderful arrangement was being made to encourage the gentleman to withdraw the amendment. I wonder if the gentleman could repeat what assurances he has from the committee chairman that are going to solve the problem that the gentleman has raised in bringing the amendment to the floor in the first place.

Mr. ECKART. Mr. Chairman, I would defer to the gentleman who spoke rather than put my words into his mouth.

Mr. FRENZEL. Mr. Chairman, I yield to the chairman of the committee to restate his assurances.

Mr. MITCHELL. Mr. Chairman, I would be delighted to respond to my friend, the gentleman from Minnesota (Mr. FRENZEL).

The first assurance the gentleman has is the assurance of the chairman of a committee who has served in this House for almost 14 years and who has never broken his word to any Member of the House. The assurance that I gave was that the Member raised a very important question in his amendment: What is the impact of various trade problems on small businesses?

The committee has not looked at that, and I assured the gentleman that I would make every effort to assure that the committee will look at this much larger problem under which the peso is merely subsumed.

Mr. Chairman, that was the assurance.

Mr. FRENZEL. I see. But in the meantime we would let the peso language that is in the bill remain in the bill?

Mr. MITCHELL. That is correct.

Mr. FRENZEL. And so we would be left with the narrow regional interest protected and the broad general interest untouched?

Mr. MITCHELL. No. No, we will not leave it to the broad or the narrow interests at all. What we will do is to act in good faith, as I think the gentleman knows I have always attempted to do, to address the problem so that we will have a coherent way of looking at the total impact. That is what we are doing.

Mr. FRENZEL. Mr. Chairman, whatever the chairman of the committee says he is going to do, he is going to do. I have served with him for almost 14 years, and I know that he will do it. On the other hand, in my judgment, that is an insufficient remedy for the question raised.

So, Mr. Chairman, I object.

Mr. CHAIRMAN. Objection is heard.

Is there further discussion?

If not, the question is on the amendment offered by the gentleman from Ohio (Mr. ECKART).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FRENZEL. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield to me just very briefly?

Mr. FRENZEL. I yield to the distinguished committee chairman, and I reserve my motion.

The CHAIRMAN. Without objection the gentleman from Minnesota (Mr. FRENZEL) is recognized.

There was no objection.

Mr. MITCHELL. Mr. Chairman, a significant number of Members of the House had approached me regarding the time that we would depart today because they had other duties and assignments, and when they approached me, I tried to give them an assurance

as best I could—I could not lock it in concrete—that at about 6 we would try not to have any more votes, and I am simply asking that the gentleman kindly reconsider his motion.

Mr. FRENZEL. Mr. Chairman, I wonder if the distinguished chairman of the committee might move that the Committee rise prior to the vote.

Mr. MITCHELL. Mr. Chairman, I would be reluctant to do that. We have one other technical amendment that is going to be agreed to by the Committee. We can get rid of that tonight and then resume in the morning.

Mr. FRENZEL. Does the gentleman expect to vote the bill out tonight?

Mr. MITCHELL. No, we will resume tomorrow.

Mr. FRENZEL. Can the chairman of the committee tell me why we could not take care of this matter tomorrow morning?

Mr. MITCHELL. Mr. Chairman, if the gentleman wants to press the issue, surely we can get a vote tomorrow. I merely did not want to betray in any way the kind of sharing of thinking that I had given to so many other Members. I have no problem with us getting a vote on this tomorrow.

Mr. FRENZEL. Mr. Chairman, in light of our distinguished committee chairman's assurances to Members of this body, I will not insist on a vote, and I will withdraw my motion. I do so, however, with great reluctance because I think we have only begun to discuss the issue at hand.

The CHAIRMAN. All right. The amendment is defeated.

So the amendment was rejected.

The CHAIRMAN. The Chair now recognizes a member of the committee, the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

Mr. OLIN. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Virginia.

Mr. OLIN. Mr. Chairman, I have no intention of continuing the debate any longer than necessary. I appreciate the gentleman's yielding, and I wonder if we could enter into a colloquy with regard to the PIK portion of this bill.

I have some concerns that the money in the bill or the loan authority go to the people who really deserve the loans, and that we do not exceed the authority that is specified. I wonder if the gentleman would respond to a couple of questions indicating the intent of the legislation.

Mr. SKELTON. I would be happy to respond.

Mr. OLIN. How could we be sure that the money authorized in this bill will really get to the people who need it and not to the people who do not need it? How can we separate the economic damage caused by PIK from other types of economic damage that business operators face regularly?

Mr. SKELTON. Mr. Chairman, first let me mention that in our subcommittee we held an extensive hearing on this particular issue which raised the problem, and as a result I offered an amendment which was accepted by the full committee to take care of this particular issue.

□ 1810

It was our intent at that time that businesses should only receive nonphysical disaster loans under this provision to help overcome damage done to them as a consequence of this direct Federal Government action, the PIK, or the payment-in-kind program. That must at least be a majority of the reason for the loan. We do not intend to make disaster loans available to businesses whose difficulties are due mostly to general business conditions that all other businesses share.

We have every reason to expect that the SBA in administering this program would see to it that the program was delivered and operated as intended.

Mr. OLIN. Mr. Chairman, I thank the gentleman. Would the gentleman yield further?

Mr. SKELTON. I certainly do.

Mr. OLIN. In some areas of the country, the entire economy revolves around agriculture. I am concerned that a business unrelated to agriculture, such as say a retail clothing store or a video dealer, something of that sort, might claim damage from PIK because of agricultural cutbacks. How does this bill and how does the Small Business Administration expect to deal effectively with this problem.

Mr. SKELTON. We intend for the provisions dealing with loans to those injured by the payment in kind, or the PIK program, to assist only those businesses which directly support agricultural production and have a direct connection with farmers who participated in the PIK program. It may well be that the video stores, the clothing stores, were indirectly affected by an overall drop in the local economy, but I believe the record made at the hearings of the subcommittee that I chair, held on this issue as well as the committee report that accompanies this bill, made very clear that the businesses to receive aid as a result of the PIK program must have a strong connection to agricultural support. We want to reach the fertilizer distributors, the chemical dealers, the seed dealers, the farm implement dealers, and others whose businesses were devastated when agricultural production was halted on one-third of our farmland.

Mr. OLIN. Mr. Chairman, will the gentleman yield for one more moment?

Mr. SKELTON. I will be happy to yield.

Mr. OLIN. What assurance do we have that this $100 million new authorization will not expand beyond the level this bill specifies? We have all seen how certain programs spend much more than what was originally intended. This happens through supplemental appropriations. How can we be sure that the same thing will not happen later on in the case of this nonphysical disaster loan program as it pertains to PIK?

Mr. SKELTON. Well, I understand the concern of my colleague, the gentleman from Virginia, and I can answer the gentleman's question in reverse order.

Of course, under the rules of the House, we cannot appropriate without authorization. In the present case, $100 million has been authorized and I hope we do receive appropriations up to that level. If that is the case, then a further appropriation would be out of order without an additional authorization. I have no reason to expect that this body will take that additional action, and I point out that what we do here today does not affect that.

Further, let me tell my friend, the gentleman from Virginia, that I intend to ask for a formal report from the SBA, the Small Business Administration, at the midfiscal year to see that this money is being spent properly.

Mr. OLIN. Mr. Chairman, I thank the gentleman for his comments. I think that helps to clarify the intent of this legislation with regard to PIK.

Mr. SKELTON. Well. I thank the gentleman for his concern. I just wish to point out that this is a narrow, but very vital, area of which we have been speaking.

Mr. OLIN. I thank the gentleman again.

The CHAIRMAN. Are there further amendments?

AMENDMENTS OFFERED BY MR. BEDELL

Mr. BEDELL. Mr. Chairman, I offer two amendments and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. BEDELL: Page 37, at the end thereof, insert the following new sections:

"SEC. 316. The Administration may study the conversion of the Procurement Automated Source System (PASS), as authorized under section 20 of the Small Business Act, or any similar or follow-up system, to another computer architecture or computer type. Such conversion, however, may not occur in fiscal year 1985, nor until after such time as the Administration reports to the Committees on Small Business of the House and Senate on the need for conversion. *Provided:* The Administration shall conduct a competitive procurement among

small business concerns for the operation and maintenance of PASS for fiscal year 1985. All operation and maintenance of PASS by the United States Railway Association shall terminate no later than September 30, 1984.

"SEC. 317. When considering proposals from potential offerors for its small business set aside solicitations for the Agency's procurement needs under provisions of the Small Business Act, the United States Small Business Administration shall give due consideration to the actual portion of the task the offeror proposes to be performed by small business concerns.".

Mr. BEDELL (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BEDELL. Mr. Chairman, I rise to offer an amendment to insert two new sections into H.R. 3020, the Small Business Administration authorization bill.

The first part of my amendment deals with the SBA's procurement automated source system, commonly known as PASS. PASS is intended to maintain information about the size, skills, capabilities, and ownership of small business nationwide. Federal procurement officers and large prime contractors use PASS to identify small firms desiring to do business as prime Government contractors and subcontractors.

If maintained and used properly, PASS can be very effective. However, the PASS program has been terribly mismanaged by the SBA. In a January 12, 1984, report to my subcommittee, the GAO said that unless SBA improved its management and technical control of PASS, the system could lose its credibility and harm procurement opportunities for small business. The GAO estimated that as many as 64,000 of the 81,000 firms listed on PASS had outdated information and that as many as 72,000 firms expressing the desire to be put on the system were never contacted by SBA.

Many of the problems with PASS can be directly attributed to a lack of proper management of the system by SBA. Apparently the contractors who managed the system for SBA had very little guidance and thus performed poorly.

In the past year things have begun to change. I am confident that SBA has taken positive steps, both internally and with their contractors, to clean up the present system's problems.

However, I am very disturbed about SBA's plans to change the computer architecture and design of the PASS system. It appears that SBA's plans to convert the current system, which is almost fully functional, to a new design are premature. The GAO agrees with this assessment. Their January 12 report states:

We recognize that the high cost and software problems that occurred during fiscal year 1983 lend support to SBA's position that PASS should be redesigned. However, redesigning automated systems is often a risky and costly endeavor. We are concerned that SBA's decision to redesign PASS was not based on comprehensive analyses—which would also form the basis for guiding design activities. Furthermore, the selection of a minicomputer as the target machine is premature and may inappropriately limit available alternatives for meeting overall system objectives and long term needs of its users. SBA's time frame for redesigning PASS may be too optimistic considering the extensive effort historically experienced by agencies in designing, developing documenting, testing and implementing automated systems.

The GAO goes on to recommend that SBA:

Defer any hardware or software decisions on a new system until SBA (1) analyzes the current functional requirements and evaluates the current system's ability to meet these requirements, (2) identifies alternative system approaches to meeting these requirements, and (3) performs a cost-benefit analysis of each approach to use as a basis for any future redesign efforts.

The amendment I am offering will allow SBA to continue studying the possible conversion of PASS to another computer design. It will, however, deny SBA the authority to actually convert the system in fiscal year 1985 and require them to report to the Small Buniness Committee on the need for the conversion should they wish to convert the system in the future.

The second part of my amendment deals with a problem in the area of small business set-aside contracting at SBA. During the Small Business Oversight Subcommittee's hearings on the PASS program it was revealed that SBA had awarded a small business set-aside contract to a small business even though SBA was fully aware that the business planned to subcontract 77 percent of the task to large businesses. SBA officials told us that they did not give any weight to this factor in evaluating the proposals. In fact, it appears SBA selected this contractor even though another contractor had a proposal with higher technical merit and would have performed that task using 100 percent small business input.

My amendment would direct SBA to emphasize participation by small business as subcontractors and suppliers under the agency's small business set-aside procurements.

I urge adoption of my amendment.

Mr. Chairman, these are two amendments which as far as I know are completely noncontroversial. One of them has to do with the PASS system and would say that the Small Business Administration is not to proceed with changes in that until after 1985 and they have checked with the committee.

The second amendment simply says that when the Small Business Administration considered letting contracts under the set-aside program, one of the items they should consider is who is going to perform the actual work under that contract.

The concern comes about in that if there are two equal bidders with equal prices and one of them is going to subcontract the work out to a big business and the other is going to do it themselves or subcontract it to a small business, it was the opinion of many of us that that should at least have some consideration.

I want to very clearly indicate that that is the intent of the second amendment.

Mr. DAUB. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman.

Mr. DAUB. Mr. Chairman, I would like to comment on what the gentleman has said relative to what would be as I understand section 317.

Mr. BEDELL. That is correct.

Mr. DAUB. And the gentleman's explanation, we had talked earlier here on the floor about the potential misunderstanding that could occur by the use of the word "portion."

I am very happy that the gentleman has included this explanation in the RECORD as a guide in implementing this particular section. I do want to be supportive.

I have a further question, if the gentleman will continue to yield.

Mr. BEDELL. I will be glad to yield; but before I do, I want to comment that the gentleman from Nebraska has been most helpful in bringing up this possible concern.

Mr. DAUB. I thank the gentleman.

I want to ask the gentleman a question with respect to section 316, since the amendments were offered en bloc, if I might have additional time from the gentleman.

Mr. BEDELL, I would be glad to yield.

Mr. DAUB. I agree that we ought to do this, so I am supportive of section 316, a 1-year procurement idea, and, indeed, I surely think that is wise, rather than go month to month, which could be a very difficult situation.

I have been in discussions with the Small Business Administration and some of the folks that have been involved in the PASS program and I have been informed that they think that they might be able to secure an appropriate and a competent computer software system that would implement the PASS program before the end of this fiscal year; so with that in mind, I want to ask the gentleman from Iowa that with the adoption of

the gentleman's amendment now occurring, would the gentleman have any problem if prior to that period of time, the SBA could prove to the committee's satisfaction and to the other body's Small Business Committee's satisfaction that they could do this and save what they estimate to be approximately $500,000 or half a million dollars; would the gentleman have any objection to that occurring?

Mr. BEDELL. This gentleman would have no problem, if indeed they came to our committee and satisfied our committee. I am not sure that will be easy to do because of some of the concerns that have been raised.

We simply do not want them going ahead with a system unless they know what they are doing about going ahead with it.

Mr. DAUB. Mr. Chairman, I want to thank the gentleman for yielding, because that would be my wish, too. With that in mind, I certainly want to again compliment the gentleman for not only section 317, but this pertinent section 316.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the distinguished chairman of the committee.

Mr. MITCHELL. Mr. Chairman, I thank the gentleman for yielding.

We have had an opportunity to examine both of the gentleman's amendments and we are prepared to accept them.

The CHAIRMAN. Is there further discussion?

If not, the question is on the amendments offered by the gentleman from Iowa (Mr. BEDELL).

The amendments were agreed to.

● Mr. GEJDENSON. Mr. Chairman, today I rise to urge my colleagues to support H.R. 3020, the fiscal years 1984 and 1985 Small Business Administration Authorization Act. In particular, I urge my colleagues to pay careful attention to title III of H.R. 3020 which amends the SBA physical disaster assistance loan programs for homeowners and businesses. Title III incorporates the major changes recommended in H.R. 1779 which I introduced on March 2, 1983, in response to a General Accounting Office investigating of the SBA physical disaster loan program activities in the State of Connecticut in the aftermath of a devastating flood on June 4, 1982

My bill, H.R. 1779, would have repealed the credit elsewhere test for use in determining eligibility for homeowner and business low-interest Federal disaster loans. The bill would have also required that the interest rate charged for disaster loans be set at one-half the market rate of Government securities with an 8-percent cap on the level of interest that could be charged for these loans.

While title III of H.R. 3020 does not repeal the credit elsewhere test, it does require that the interest rate charged for disaster loans be set at one-half of the market rate of Government securities but not to exceed 4 percent for homeowners and businesses who cannot obtain credit elsewhere or 8 percent for homeowners or business who can obtain credit elsewhere. The modest savings achieved through charging higher interest rates on Federal disaster aid do not, in my opinion, justify the suffering they inflict on disaster victims or the delay they cause in recovery. Past events in Connecticut prove my point. In June 1982, the State of Connecticut suffered the worst floods in nearly a century. The disaster took the lives of 10 residents and caused an estimated $289 million in damages. Dozens of bridges, homes, and businesses were washed away by water from bursting dams and heavy rains. Because of the storm's severity, the President declared the State a major disaster area.

There was a general impression following the declaration that the Federal Government would be offering low interest loans to anyone who qualified for disaster assistance. What most eligible residents did not know was that proposals of the current administration, which were enacted as part of the 1981 Budget Reconciliation Act, had changed the law to incorporate a credit elsewhere test. In other words, low interest loans are no longer awarded to those individuals or businesses who can obtain credit elsewhere.

I know of many business owners and homeowners who were outraged to learn that they were ineligible for low interest Federal loans because they had maintained good credit standing. Instead of loans at 8 percent, they were offered Federal assistance at the market rate of 16 percent. Many of these residents, understandably, felt cheated by promises of Federal assistance and punished for having remained creditworthy.

At Senator CHRIS DODD's and my request, the General Accounting Office conducted a study that, in part, examined the effectiveness of the credit elsewhere test. The report showed that of the 1,103 disaster loan applications approved by the SBA, 37 percent of the home loans and 17 percent of the business loans were at the high rate. Charging the higher rate, the GAO estimated, would save the Government $224,000 during the first year of the loans. This savings represents less than 2 percent of the total amount loaned to businesses and individuals.

The savings to the Federal Government are further reduced after taking into account the fact that interest payments may be deducted from Federal income tax. In addition, the GAO calculated that it took the SBA staff an additional 368 hours to process the 1,100 applications using the credit elsewhere test. One SBA official estimated that the test increased loan processing time by as much as 25 percent.

We should also consider the possible delay in recovery caused by the credit elsewhere test. If business managers are faced with rebuilding their operations at 16 percent interest, whether with Federal or commercial loans, they may likely scale down their own plans or decide to postpone reconstruction. This decision could have a negative impact on both the local tax base and employment.

Businesses were further dissuaded from accepting high interest Federal disaster loans by the requirement that such loans be repaid within 3 years, in contrast with the usual 30-year term of low interest loans. This provision helps explain why so few businesses in Connecticut accepted high interest Federal loans. I know of few business owners that could afford to take out a substantial loan on such capital draining terms.

The legislation that I have offered, H.R. 1779, as well as title III of H.R. 3020, will prevent the problems we experienced in Connecticut from occurring in other States and would provide more equitable assistance to all victims of natural disasters. I urge my colleagues to support H.R. 3020.●

● Mr. FRENZEL. Mr. Chairman, H.R. 3020 authorizes activity of the Small Business Administration. The country, and especially its small business people, have come to rely on the SBA. The bill should be passed. If there is some disagreement on the authorized amounts, they can be resolved in the appropriation process.

However, some amendments are worthy of consideration. The Bliley amendment to eliminate direct loans is the first vote this body will have on the Grace report. Because by far the largest share of SBA activity is loan guarantees, this amendment to delete direct loans, which go to a favored few, I intend to support the amendment.

It is a good thing to eliminate the new category of disaster loans based on peso devaluation. Many currencies are down compared to the dollar. Canada is a good example. It is also a good idea to eliminate the PIK section.

The first-rate SBA loan guarantee program should not be loaded down by regional or sectoral special interests. Its principal programs should be promptly passed.●

Mr. MITCHELL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BROWN of California) having assumed the chair, Mr. LEVIN of Michigan, Chairman of the Committee of the

Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3020) to amend the Small Business Act, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. JONES of Tennessee. Mr. Speaker, because I was away on official business on March 7, I missed the vote on the Vocational-Technical Education Amendments of 1984. I regret that I was absent during consideration of this legislation. However, I want to announce that I am in full support of this bill, and would have voted in favor of it had I been present.

H.R. 4164 is an important bill that will maintain and strengthen the vocational education programs that have played such a vital role in the scope of education in our country. It is through many of these programs that individuals have been trained for productive jobs and have been presented opportunities for future employment. The benefits derived from these programs by individuals at the secondary, postsecondary, and adult levels for the past 63 years has been tremendous. There has always been a need for this type of training and education, and the vocational education programs I have seen strive for the best for all who participate.

I would like to commend the House for its overwhelming passage of this bill and would like to reiterate my support for these most important programs.

□ 1820

NATIONAL EMPLOY THE OLDER WORKER WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 205) authorizing and requesting the President to designate the second full week in March 1984 as "National Employ the Older Worker Week," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. KASICH. Mr. Speaker, reserving the right to object, I do not object, but I simply would like to inform the House that the minority has no objection to the legislation being considered.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 205

Whereas a growing number of such individuals, being willing and able to work, are looking for employment opportunities, want to remain in the work force, or would like to serve their communities and their Nation in voluntary roles;

Whereas such individuals, who have made continuing contributions to the national welfare, should be encouraged to remain in, or resume, career and voluntary roles that utilize their strengths, wisdom, and skills;

Whereas career opportunities reaffirm the dignity, self-worth, and independence of older individuals by encouraging them to make decisions and to act upon those decisions, by tapping their resources, experience, and knowledge, and by enabling them to contribute to society;

Whereas the operation of title V of the Older Americans Act of 1965 has demonstrated that older workers are extremely capable in a wide variety of job roles;

Whereas recent studies conducted by the United States Department of Labor and the Work in America Institute indicate that, in many cases, employers prefer to retain older workers or rehire former older employees due to the high quality of their job performance and their low rate of absenteeism; and

Whereas the American Legion has sponsored a "National Employ the Older Worker Week" during the second full week of March in every year since 1959, focusing public attention on the advantages of employing older individuals: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to designate the second full week in March 1984 as "National Employ the Older Worker Week", and to issue a proclamation calling upon—

(1) the employers and labor unions of the United States to give special consideration to older workers, with a view toward expanding career and employment opportunities for older workers who are willing and able to work and who desire to remain employed or to reenter the work force;

(2) voluntary organizations to reexamine the many fine service programs which they sponsor with a view toward expanding both the number of older volunteers and the types of service roles open to older workers;

(3) the United States Department of Labor to give special assistance to older workers by means of job training programs under the Jobs Training and Partnership Act, job counseling through the United States Employment Service, and additional support through it Older Worker program, as authorized by title V of the Older Americans Act; and

(4) the citizens of the United States to observe this day with appropriate programs ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL SINGLE PARENT DAY

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 200) designating March 21, 1984, as "National Single Parent Day," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. KASICH. Mr. Speaker, reserving the right to object, I do not object, but simply, I would like to inform the House that the minority has no objection to the legislation being considered.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 200

Whereas there are fourteen million single parents in the United States, the number doubling in the last ten years;

Whereas 20 per centum of all our Nation's children are now living in single parent families, and an estimated 50 per centum of this Nation's children will live with a single parent before the age of eighteen;

Whereas in the past, single parent families have not always been an accepted part of society;

Whereas single parents have struggled courageously to raise their children to a healthy maturity, with the full sense of being loved and accepted as persons, and with the same prospects for adulthood as children who mature with their two parents together; and

Whereas it is time to recognize the courage and dedication of these parents who work to maintain strong family units and to be responsible members of American society: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 21, 1984, is designated "National Single Parent Day". The President is requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

JEWISH HERITAGE WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 241) to authorize and request the President to issue a proclamation designating May 6 through May 13, 1984, as "Jewish Heritage Week," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. KASICH. Mr. Speaker, reserving the right to object, I do not object, but I simply would like to inform the House that the minority has no objection to the legislation being considered.

● Mr. COURTER. Mr. Speaker, I rise in support of Senate Joint Resolution 241 designating the week of May 6-13, 1984, as "Jewish Heritage Week."

America is a nation of immigrants. Understanding the similarities between our various heritages is what has unified our Nation. By designating a specific week as Jewish Heritage Week, we are encouraging a broader awareness and appreciation of the culture, history, and traditions of the Jewish community.

For the Jewish community the months of March, April, and May contain events of major significance; Passover, the anniversary of the Warsaw ghetto uprising, Israeli Independence Day, Solidarity Sunday for Soviet Jewry, and Jerusalem Day.

Jewish Heritage Week is observed with a series of educational events which help us all to explore the universal signficance of these very special days.

As Americans we can be proud of the diverse culture we all share in our country today. The cultural heritage all Americans have experienced resulted from the rich ideals by people of many races and religions. The Jewish people as all Americans cherish their culture and tradition which span to the dawn of civilization.

Therefore, I urge my colleagues to join me in support of this resolution.●

● Mr. GILMAN. Mr. Speaker, I rise in strong support of Senate Joint Resolution 241, legislation which would establish the week of May 6-13, 1984 as "Jewish Heritage Week." As a cosponsor of this measure, permit me to highlight that week which will enhance the heritage of all Jews everywhere.

On Sunday, May 6, hundreds of thousands of concerned citizens will gather at Dag Hammerskjold Plaza, opposite the United Nations, in an expression of solidarity with their Jewish brethren who remain imprisoned and harassed for the simple desire to practice openly their religious beliefs. Solidarity Sunday for Soviet Jewry, organized and sponsored by the Greater New York Conference on Soviet Jewry, is the landmark date in human rights efforts on behalf of the oppressed. Last year I was privileged to sponsor the congressional resolution of support for Solidarity Sunday, and this year was asked again to be an original sponsor. I invite my colleagues to cosponsor this year's resolution of support, House Resolution 450, and to attend the rally as well. 1984 has become the year in which we must repudiate the "Big Brotherism" practiced so expertly by the Soviet Union. May 6 will be a day to watch, listen, and speak out for those who cannot.

The following day will be one of joyous celebrations, as Israel commemorates its 36th year of independence. This year is an extra special one, as the number 36 represents the "double-chai"—2 x 18—; the number 18 symbolizing life. The Jewish people have never felt Israel's needs more than today, when vital questions of security and economy need to be resolved. Israel has been a staunch ally of the United States, without any wavering whatsoever in its 3½ decades of modern statehood. Such a special celebration deserves special recognition on our part, and legislation which I have coauthored would, I believe, be a gift that would be deeply appreciated by the people of Israel, and the American Jewish community at large. Presently, our U.S. Embassy is located in Tel Aviv. Jerusalem, however, has been Israel's capital since its inception, and traditionally, embassies are located in the capital city. H.R. 4877, which was recently introduced, relocating our Embassy from Tel Aviv to Jerusalem, already has over 180 cosponsors. For those of my colleagues who have not yet endorsed this measure, I urge their cosponsorship as a token to the people of Israel of our admiration and friendship. As the great scholar Rabbi Hillel once said,

> If I am not for myself, who will be for me? But if I am only for myself, what am I? And if not now, when?

Mr. Speaker, during the week of May 6, which will be celebrated throughout our Nation as Jewish Heritage Week, let us remember those who have defended Israel throughout her 5,000-year history, and those who wish desperately to become a part of that noble struggle. Accordingly, in support of that recognition, I urge my colleagues to support this legislation, and to cosponsor both House Resolution 450—Solidarity Sunday—and H.R. 4877, moving our embassy to Jerusalem.●

Mr. KASICH. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 241

Whereas the Congress recognizes that an understanding of the heritage of all American ethnic groups contributes to the unity of our country;

Whereas intergroup understanding can be further fostered through an appreciation of the culture, history, and traditions of the Jewish community and the contributions of Jews to our country and society; and

Whereas the months of March, April, and May contain events of major significance in the Jewish calendar—Passover, the anniversary of the Warsaw Ghetto Uprising, Israeli Independence Day, Solidarity Sunday for Soviet Jewry, and Jerusalem Day: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating May 6 through May 13, 1984, as "Jewish Heritage Week" and calling upon the people of the United States, State and local government agencies, and interested organizations to observe that week with appropriate ceremonies, activities, and programs.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

DON'T DO IT MARYLAND

(Mr. CRAIG asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CRAIG. Mr. Speaker, while Members of CLUB, congressional leaders united for a balanced budget, have been working to obtain two more States to force this Congress to act on a balanced budget amendment, liberal forces are at work to stop this popular national movement.

Maryland's 1975 petition to Congress is now under attack in Annapolis by liberals seeking to rescind the balanced budget resolution.

I am entering into the RECORD an article entitled, "Don't Do It Maryland" by columnist Robert Goldsborough of Baltimore.

The last two paragraphs of the article need to be heard by this body. It says:

> If we fail to act (on a balanced budget amendment) now it will be our children and grandchildren who will be crushed by government debt and government spending. Their dreams will never have the opportunity to become reality and their future will be controlled by an elite establishment sitting comfortably on a Hill in Washington, D.C.
>
> Concern for future generations should motivate the Maryland State Legislature not to withdraw their support for the balanced budget amendment. The fear of a runaway convention cannot be as great as a

runaway Congress which will spend the nation into economic ruin.

Mr. Speaker, the full text of the article is as follows:

DON'T DO IT MARYLAND!

(By Robert H. Goldsborough)

Marylanders like to refer to their state as "America in Miniature." Now, some liberal scaremongers are working overtime to make Maryland a trendsetter for America. But unlike Maryland's beauty, the scaremonger's plan is ugly.

Marylanders should be made aware of efforts now under way in Annapolis to rescind a petition to Congress calling for a national convention to draft a balanced budget amendment to the U.S. Constitution.

In 1975 Maryland became one of the first of 32 states to petition Congress on the balanced budget amendment. Only two more states are needed to force Congress to convene a convention. But now that the movement is close to becoming a reality, liberals across the nation are using scare tactics to frighten Americans into believing that such a convention could get out of control and ruin the foundation this nation has operated upon for over 200 years. Unfortunately, Maryland is one state the liberals have targeted to rescind what was rightly done in 1975. If they win, Marylanders, as well as the rest of the states, will be the real losers.

The thought of a runaway convention is a joke and a political smokescreen. The late Senator Sam Ervin, a constitutional scholar, summed up this type of thinking when he said. "The fear of a runaway convention is just a nonexistent constitutional ghost conjured up by people who are opposed to balancing the budget, because they want to be able to promise special interest groups something for nothing out of an empty pocket."

He is not alone in this view. Impartial experts in a two-year study by the American Bar Association unanimously said the same thing. Their official position is that "Congress has the power to establish procedures limiting a convention to the subject matter which is stated in the applications received from the state legislatures."

Most state petitions to Congress including Maryland's, specify consideration of only the balanced budget amendment. The more recent petitions even include a "one last chance" provision. These states provide that even if the 34 states required to force a convention to petition Congress, the convention should actually be called to order only if Congress fails even then to pass the amendment first. The parameters of the convention are clear. It cannot get out of control.

The bottom line is this. Congress will only act on a constitutional amendment when forced to do so. If all the states keep the pressure on Congress by threatening to call a convention. Congress will enact an amendment out to the states for ratification and thereby eliminate the need for a convention. But if the rescind movement is successful, Congress will take a big sigh of relief and return to its reckless spending habits that create enormous deficits and skyrocketing interest rates.

All America needs is Maryland's help and Maryland's pressure. The balanced budget amendment is neither a Republican nor a Democrat issue. It is an issue supported by nearly 70 percent of the American people. Without a binding constitutional limit on Federal spending, fiscal spending, fiscal irresponsibility will continue in the halls of Congress.

If we fail to act now, it will be our children and grandchildren who will be crushed by government debt and government spending. Their dreams will never have the opportunity to become reality and their future will be controlled by an elite establishment sitting comfortably on a Hill in Washington, D.C.

Concern for future generations should motivate the Maryland State Legislature not to withdraw their support for the balanced budget amendment. The fear of a runaway convention cannot be a great as a runway Congress which will spend the nation into economic ruin.

A TRIBUTE TO RAY PIERCE, EDITOR OF HIGH PLAINS JOURNAL

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROBERTS. Mr. Speaker, it is an honor for me today to bring to the attention of my colleagues the career and service of Mr. Ray Pierce, the long time editor of the High Plains Journal, a farm publication second to none in the High Plains.

By virtue of nearly 40 years of service as the editor of the Journal and the winner of nearly every award conceivable in agricultural journalism, Ray Pierce acquired the title of dean of the agricultural writers of our Plains States.

To better understand his contributions, one must appreciate the unique role of the Journal. It is a weekly farm publication with a circulation of some 60,000 in the States of Texas, Oklahoma, Colorado, Nebraska, Kansas, and Missouri. In terms of keeping the farmer-stockman informed and up to date, the Journal has even been called the farmer's Bible.

Last January, Ray, at the young age of 70, chose to retire.

It should be said, Mr. Speaker, that with Ray at the helm, the High Plains Journal has become more than just a farm publication. It is a leading advocate in behalf of the family farm. For leading that effort and for being such a good friend to agriculture and the individual producer, I extend my thanks and the thanks of the thousands of individual farmers and stockmen whose trust he has earned and kept.

The following article from the Journal outlines Ray's career and contributions. I commend it to the attention of my colleagues.

LONG-TIME EDITOR TO RETIRE

A major change in the High Plains Journal masthead will be made with the first issue in January, 1984, when Ray Pierce, long-time editor of the Journal, retires.

Galen Hubbs, now managing editor, will move up to fill Pierce's slot, and Bob Keating, now associate editor, will become managing editor.

Helen Pierce (Mrs. Ray Pierce), Journal women's editor and columnist, also will retire, and her duties will fall to other members of the editorial staff. Mrs. Pierce, known generally as Mike, is a 25-year employee of the Journal. She started writing her personal column, "Kitchen Carrousel," in 1948, and became a regular member of the Journal staff in 1958. Her column has been a popular feature of the women's pages in the paper, and has won awards in Kansas Press Women competition.

By virtue of 36 years of service as High Plains Journal editor, and numerous awards, Pierce has acquired a reputation as dean of Kansas agricultural editors.

Following his discharge from the army in 1946, after World War II, Pierce became editor of the Liberal, Kans., Southwest Daily Times. In 1947 he moved from the Times to the old Dodge City Journal. While he was editor at Liberal, he was named Outstanding Jaycee of the Year by the Liberal Junior Chamber of Commerce. He was active in community affairs at Liberal, and continued that kind of participation when he moved to Dodge City.

The Journal at that time was beginning to take its place in the field of Kansas journalism as an agricultural publication under the leadership of Joe Berkely, publisher. Circulation at that time was concentrated in and around Ford County, Kans., and numbered about 1,200 subscribers.

The year of 1983 is the 100th anniversary of the publication. Until the late 1940s the publication was a local Dodge City paper. By 1983, as a regional agricultural publication, it has grown to a circulation of 56,159—224,630 farm, ranch, and rural family readers—in Colorado, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wyoming.

Pierce has been instrumental in the growth of the publication in the expansion of its coverage area. Most importantly, however, he has emphasized providing farmers and ranchers with news and information to increase their productivity and enhance their livelihood. He has maintained close contact with farmers, ranchers, and rural families the paper serves, and farm, ranch, and agricultural organizations.

His weekly editorials on agricultural issues of the moment have spurred farmers and ranchers into action, working through their organizations to call upon their elected representatives at the local, state, and national level regarding important agricultural issues. His editorials have championed the importance of agriculture and producers.

As the paper increased in circulation and coverage area, Pierce initiated special emphasis issues containing a wealth of information on specific subjects—cattle, hogs, sheep, dairying, wheat, corn, sorghum, soybeans, hay, pasture and forage, and other subjects in diversified farming. He was one of the first weekly editors to use four-color photographs on the front page of special emphasis issues.

During his editorship, Pierce has earned the respect of his peers in agricultural journalism, farm and ranch organizations, and elected representatives. They often consult him for information and advice regarding problems and solutions pertaining to the agricultural sector of the High Plains.

For members of the Journal's editorial department, he has stressed the importance of accurate reporting, quality photographs, and an attractive paper that places timely information in the hands of its readers. He is quick to point out to new staff members, "We work for farmers and ranchers."

His work has gained him special recognition, and recognition for the High Plains Journal. These include the Kansas State Grange Award, honoring Pierce for "distinguished service for agriculture, both state and national;" Kansas State Farmer degree of the Kansas Future Farmers of America; and Far-Mar-Co's Outstanding Farm Newsman of the Month.

Awards to the publication include the Nebraska Animal Agriculture Week Appreciation Award: Kansas Livestock Association Award of Appreciation; Federal Land Bank Award for "outstanding contribution to American agriculture;" Distinguished Service Award, Ford County Soil and Water Conservation District; Meritorious Service to 4-H Award, Ford County 4-H Council; Kansas Association of Soil Conservation Districts Certificate of Award; Frontier Hybrids, Distinguished Service Award; National Association of Wheat Growers Award for "outstanding service to wheat producers;" and Friend of Extension Award, Kansas Association of County Agents.

Pierce is a member of the Board of Governors, Agricultural Hall of Fame, Bonner Springs, Kans.; of the Newspaper Farm Editors of America; and the American Agricultural Editors' Association.

Pierce was born at Tipton, Iowa, in 1913. He will retire at the end of this year, shortly after his 70th birthday.

He grew up at Tipton, where he attended high school and two years of junior college. His first taste of journalism came during this period when he worked part-time on the weekly Tipton Conservative. He received a B.A. degree from Coe College in Cedar Rapids, Iowa, in English and speech. During his college years he became known as a promising young writer with publication of his work in various "little" magazines and other magazines and newspapers.

He entered the teaching field and taught English and speech at Highmore, So. Dak., and Moravia, Iowa. Later he was employed by John Applegate, Printer, at Washington, Iowa, and by weekly papers at Sioux Rapids and Manilla, Iowa.

He was inducted into the army in 1942, and discharged at Liberal, Kans., in 1946.

In 1942 at Kansas City, he married Helen Applegate of Washington, Iowa. Their son, Kent, was born in 1945 at Liberal, Kans. Kent now is completing work on a doctorate in psychology at Kansas State University.

In the years Pierce served as editor of the High Plains Journal, he has worked closely with farmers and ranchers and agricultural organizations. His supervision of agricultural news for the Journal has produced a publication with information on agricultural issues and practices which have been valuable to Journal readers in conducting their business of farming and ranching throughout the circulation area.

In the early 1960's, when the groundwork was laid for much of the agricultural legislation to follow, the Journal often was in the thick of the controversy. Information was kept before farm and ranch subscribers, and editorials often turned up on the desk of the President of the United States, as well as the desks of state and national legislators.

"I know I will be concerned over the way the High Plains Journal goes after I retire," Pierce says. "But I really don't need to worry." He adds, "The editorial staff of the Journal is one of the finest you will find anywhere. They are well-trained, talented, versatile, accomplished young men and women.

"And they have the backing of a great family of Journal readers who help make the paper the kind of agricultural publication that will reflect the importance of the High Plains."

Pierce said he has no particular plans for retirement activities. He expects to maintain his residence in Dodge City. "I probably will do some writing," he says, and dig into some hobbies like silversmithing and rock polishing that I have neglected of late. I may do some work for the Journal when an extra hand is needed. But I hope I won't have to meet any more deadlines except things like my wife's birthday."

VICTIMS OF CRIME ASSISTANCE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FISH) is recognized for 10 minutes.

● Mr. FISH. Mr. Speaker, today, I am introducing on behalf of the administration the Victims of Crime Assistance Act of 1984 and urge its prompt and careful consideration by the Committee on the Judiciary.

The bill would for the first time provide for monetary Federal assistance for crime victims throughout our Nation. This aid to victims will come from a Crime Victims Assistance Fund established primarily from Federal criminal fines and forfeited appearance bonds posted by Federal criminal defendants. In addition, the fund would receive any royalties and other money paid to a convicted Federal defendant as a result of any contract to depict his crime in the media.

Fifty percent of this fund would be available to State victim compensation programs on the basis of their victims compensation payouts during the preceding fiscal year at a level of 10 percent of that payout. Thirty percent of the fund would be distributed to the States on the basis of their respective populations for the purpose of supporting victim services in the State. The remaining 20 percent would be spent by the Federal Government for the purpose of providing services to the victims of Federal crimes.

From available figures, the fund would realize between $45 and $75 million during its first year of operation.

The legislation seeks to balance the twin concerns expressed by the President's Task Force on Victims and others—notably the compensation and the assistance of victims. Compensation to victims injured by crime would be fostered by helping the 38 States that currently operate compensation programs, providing these States compensate the victims of Federal crimes on the same basis as the victims of its State crimes.

The bill also provides assistance to crime victims in the form of services, other nonfinancial assistance and limited emergency financial assistance. The choice of grantees is a responsibility of each of the 50 States with only broad requirements designed to assure the delivery of quality assistance by responsible, experienced victims assistance organizations.

The legislation also directs the Attorney General to appoint or designate a Department of Justice official to be the Federal Victim Assistance Administrator to distribute the 20 percent of the funding pool provided for assistance to Federal crime victims.

Mr. Speaker, given the longstanding interest in legislation of this type by the chairman of the Judiciary Committee, it will, I am sure, be looked at expeditiously and favorably.

A short summary of the bill follows:

SUMMARY OF VICTIMS OF CRIME ASSISTANCE ACT OF 1984

(1) Creates a Crime Victims' Assistance Fund in the Treasury.

(2) Funds to come from the following sources:

All criminal fines collected from convicted Federal defendants, including criminal antitrust and motor vehicle violation fines, and forfeited appearance bonds

All proceeds of any contract entered into by any Federal defendant for the sale of literary or other rights arising from his criminal act

(3) A victim of crime shall have the right to speak at Federal parole hearings about the impact a defendant's crime has had on his or her life.

(4) Fifty percent of Fund will be available to States for victims' compensation on basis of 10 percent of State's prior year compensation payout. Thirty percent to States for other victims assistance on basis of State population. Twenty percent to Federal Government for providing assistance to victims of Federal crime.

(5) *Compensation (50 percent) Pool:* No State can receive more than 10 percent of its prior year payout. To be eligible, State must provide same compensation to nonresident victims as residents and same compensation to victims of Federal crimes as State crimes. State must also compensate mental health counseling required as result of victimization.

(6) *Assistance (30 percent) Pool:* State Victims Assistance Administrator shall award money to non-profits or public agencies which demonstate a record of quality assistance to victims, promote the use of volunteers, demonstrate financial support from other sources, demonstrate a commitment from others to provide other necesary services, and assure coordination with other victim services providers.

(7) *Federal Assistance (20 percent) Pool:* Federal Victims Assistance Administrator in DOJ shall award money to federal law enforcement agencies for establishing victims assistance positions, providing services to Federal victims, training Federal law enforcement personnel in victims assistance, and disseminating information about Federal victims assistance services. Administrator shall consult with Federal Victims of Crime Advisory Committee appointed by President.

(8) Director of Administrative Office of U.S. Courts shall report to AG in 1 year on improvements in accounting of criminal fines. Certain administrative provisions of Crime Control Act apply to this Act. AG has authority to promulgate necessary regulations. Sunset date of September 30, 1988.●

STATEMENT OF CONGRESSMAN WILLIAM D. FORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. FORD) is recognized for 5 minutes.

● Mr. FORD of Michigan. Mr. Speaker, last Thursday the distinguished minority leader raised a question dealing with whether the chairman of a Post Office and Civil Service Committee subcommittee acted improperly in turning over certain files to a U.S. Senator.

I have carefully reviewed the questions raised by Mr. MICHEL, and I am completely satisfied that the subcommittee chairman, Representative DONALD ALBOSTA, fully complied with the House rules and committee rules in providing copies of documents to the Senate Judiciary Committee.

I would like to place in the RECORD Mr. MICHEL's letter to me, my response, a memorandum from the General Counsel to the Clerk of the House of Representatives, and a copy of the subcommittee's guidelines for the investigation at issue:

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., March 9, 1984.

Hon. WILLIAM D. FORD,
Chairman, Post Office and Civil Service Committee, Cannon House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I was very disturbed to learn yesterday that the Chairman of the Human Resources Subcommittee of your Committee had, without any authorization, turned over private Subcommittee files to a Member of the United States Senate.

This action may be in violation of House Rules and precedents.

The House has always closely and jealously guarded the content of its Committee deliberations and investigations, and it is clearly the House which ultimately decides whether such documents may be transferred to an individual or agency outside the House.

In this case, the Subcommittee Chairman declined to even seek the advice or approval of the Members of the Subcommittee prior to turning the documents over to a Member of the Senate. The Chairman responded to a letter from the Member of the other body dated February 27, 1984, and informed the Subcommittee Members of his action in a memorandum dated March 7 both of which are enclosed.

This action, in my opinion, represents a blatant disregard for documents and materials of the House and is an obvious abuse of the power entrusted to a Subcommittee Chairman. The action is further compounded by the fact that the documents transmitted were part of an on-going investigation, the results of which have never been communicated to the full Committee or the House. This action may very well hinder future efforts by the House to collect information critical to the performance of our duties. The fact that these documents are now being released by a Member of the Senate does great disservice to the House and calls into question the integrity of its proceedings.

I am forwarding a copy of this letter to the Chairman and Ranking Member of the Committee on Standards of Official Conduct, and in doing so I am urging them to pursue this matter further to determine whether a violation of the Rules of the House has occurred.

I hope you will agree with me that this matter deserves attention and should be investigated to the fullest.

Sincerely,

ROBERT H. MICHEL,
Republican Leader.

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., February 27, 1984.

Hon. DONALD JOSEPH ALBOSTA,
Chairman, Subcommittee on Human Resources, Committee on the Post Office and Civil Service, Washington, D.C.

DEAR MR. CHAIRMAN: The Senate Judiciary Committee will soon be conducting hearings on the nomination of Edwin Meese III to be Attorney General, and I would be interested in your providing me with any information you may have received during your investigation last year which bears upon Mr. Meese's fitness and qualifications to serve in that position.

In particular, I would appreciate your forwarding copies of any such materials constituting or relating to:

(1) A "file of exotic campaign proposals labeled 'Ed Meese' " which, according to the July 9, 1983 edition of the Washington Post, were found in the files of White House Chief of Staff James A. Baker III in the archives of the Hoover Institute at Stanford University.

(2) "(B)riefing books," "hostages," "domestic issues" and "Carter topics," which, according to the August 13, 1983 edition of the Washington Post, were references contained in an "archivist's index" of a "Meese file" located at the Hoover Institute.

(3) An anticipated "October Surprise," as reported in the July 15, 1980 edition of the Washington Star.

Your assistance is greatly appreciated.

Sincerely yours,

HOWARD M. METZENBAUM,
U.S. Senator.

COMMITTEE ON POST OFFICE AND CIVIL SERVICE, SUBCOMMITTEE ON HUMAN RESOURCES, 511 HOUSE OFFICE BUILDING, ANNEX 1,
Washington, D.C.

To: Members of the subcommittee.
From: Chairman Albosta.
Re: Documents pertaining to the Meese confirmation.
Date: March 7, 1984—11:40 a.m.

As you may recall, the Guidelines adopted by the Subcommittee on July 14th, require that we "report for the use of other Committees information which may warrant their consideration in regard to other laws . . .". In accordance with the Guidelines we have responded to the request of a member of the Senate Judiciary Committee for information and documents for use in Judiciary Committee proceedings as reflected in the attached correspondence.

I have just been informed that Senator Howard Metzenbaum will be including in the public record of the hearings on the confirmation of Mr. Edwin Meese for the position of Attorney General, four documents that were obtained by the Subcommittee during its inquiry into the potentially unauthorized transfer of documents and information from the Carter Administration during the 1980 election campaign. These documents are copies of documents sent to Mr. Meese during the campaign of 1980 concerning information and documents from sources within the Carter Administration or Campaign whose release appears not to have been authorized. I have been informed that these copies will accompany written questions submitted by Senator Metzenbaum to Mr. Meese today.

Since they may be released by the Senate today from custody of the Congress, I am informing all Members of the Subcommittee about that use and potential release.

COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, D.C., March 13, 1984.

Hon. ROBERT H. MICHEL,
Republican Leader,
The Capitol, Washington, D.C.

DEAR BOB: This is in response to your recent letter expressing concern that Representative Donald Albosta, Chairman of the Subcommittee on Human Resources, may have, without authorization, turned over to a member of the United States Senate private Subcommittee files.

I am enclosing for your review a copy of the guidelines approved by all Members of the Subcommittee on Human Resources at the beginning of its investigation, which clearly provide authorization for Chairman Albosta "to report for the use of other Committees information which may warrant their consideration in regard to other laws".

The Subcommittee guidelines further require that "to the greatest extent possible release of material information by the Chairman or his staff will be preceded by notice to all members of the Subcommittee". Under the same Subcommittee guidelines, the ranking minority member is also authorized to release material information.

As you may know, Mr. Albosta complied with this provision by notifying the members of the Subcommittee by memorandum on March 7 that he was releasing information to a member of the Senate Judiciary Committee. I would hope that you would not want Mr. Albosta to deliberately withhold pertinent information from the Senate Judiciary Committee while it is reviewing the qualifications of a nominee for Attorney General of the United States.

I have also received the enclosed opinion from the General Counsel to the Clerk of the House of Representatives indicating that Mr. Albosta did not violate any House rule by releasing information to the Senate Judiciary Committee.

I note in your letter you have also requested the House Committee on Standards of Official Conduct "to pursue this matter further to determine whether a violation of the Rules of the House has occurred." I am sure that they will respond appropriately to your request.

After carefully reviewing your allegations and the facts of this matter, I do not believe any further action is warranted by this Committee.

With kind regards,

Sincerely,

WILLIAM D. FORD,
Chairman.

COMMITTEE ON POST OFFICE
AND CIVIL SERVICE,
SUBCOMMITTEE ON HUMAN RESOURCES,
Washington, D.C., July 14, 1983.

GUIDELINES AND LEGISLATIVE PURPOSE FOR INVESTIGATION OF UNAUTHORIZED TRANSFER OF INFORMATION AND MATERIAL FROM THE CARTER ADMINISTRATION TO THE REAGAN CAMPAIGN

(I) The objectives of this investigation are to define legislative needs and remedies for reform of the Ethics in Government Act, based upon the allegations of possible ethical violations in both Presidential Campaigns of 1980.

The jurisdiction of the Subcommittee includes "codes of ethics . . ." and the "White House personnel authorization" as derived from the full Committee's jurisdiction over Federal personnel.

In regard to White House personnel, the selection, appropriate numbers and use of personnel at each level in the White House in addition to discipline and removal of White House personnel are clearly matters of concern in regard to use of White House materials, in addition to standards of conduct.

The Subcommittee has continued work on the Ethics in Government Act of 1978 which was the result of bills reported from the Post Office and Civil Service Committee among others. This year, we have reviewed the Act as an organic whole to determine whether the Act is operating as anticipated to ensure the ethical operation of the government at all levels.

Our jurisdiction over this matter includes the Standards of Conduct for Government Officers and Employees, as prescribed by Executive Order, by regulation and by law.

The questions are whether there are adequate provisions in the regulations to prevent the misuses of presidential or Federal government property or information, whether these provisions are understood, and whether they are enforced or enforceable at all.

The Report on H.R. 2717, filed by Mr. Albosta, includes an admonition that it is apparent that better ethics education is needed for government employees and officials in particular.

The same transactions that may be a violation of civil law or regulations concerning Federal officials or employees may also rise to the level of a violation of criminal law.

The Office of Government Ethics is required to report such potential violations to the Attorney General in certain cases—for example, when financial conflicts of interest are identified and not corrected or eliminated.

Another question that arises is whether current Federal employees or officials, such as White House personnel, have or should have a responsibility to report ethics violations that may signal a continuing weakness in, or threat to, the effective operation of the government.

Therefore, we intend to ask such questions to determine whether each element of the Ethics Act and our ethics program is working effectively in concert with other appropriate elements to ensure that Federal personnel at all levels know their rights and responsibilities and live by them.

We intend to develop a complete understanding of the facts and circumstances surrounding the transfer of property or information of the President's, apparently involving Federal personnel.

In the course of that investigation we will turn over to the Justice Department or to local prosecutors any evidence that a federal or local crime may have been committed. We will consider any findings which may indicate a need for changes in the law under our jurisdiction and report for the use of other Committees information which may warrant their consideration in regard to other laws such as Federal Election Law of Criminal Law.

PROCEDURES FOR THE SUBCOMMITTEE INVESTIGATION

(II) Files—Files will be kept under lock and key; except for immediate working files of staff, all subcommittee files will be open for inspection by any Member. At the request of any Member, one staff member who is not on the staff of the Subcommittee may be permitted access to the files on an in-house basis, signing for the files and inspecting them in the Subcommittee rooms.

(III) Interviews—Minority Staff Counsel will be informed of, and included in, interviews to be conducted by Subcommittee staff, with exceptions permissible in the interest of responding to unsolicited calls, visits, or stipulations of witnesses concerning circumstances under which they will consent to be interviewed. Even when participation in interviews by Minority counsel or staff is not possible, notes from the interviews, as reduced or committed to paper or tape for filing will be available to the Minority and to each Member as outlined under paragraph II (Files).

(IV) Statements to the press—To the greatest extent possible, release of material information by the Chairman or his staff will be preceded by notice to all Members of the Subcommittee.

Subcommittee staff will not discuss the investigation with the press unless authorized to do so by the Staff Director or Chairman. Subcommittee Staff Director and Counsel will be available twenty four hours a day to answer questions or assist any member of the Committee or designated staff of the Chairman and Ranking Minority Member to the greatest extent possible in order to provide accurate and current information about the investigation in order to respond to press inquiries, or simply to inform the Members.

(V) Each Member and each staffer is expected to respect and uphold the confidentiality of the investigation and the information held by the Subcommittee. In order to ensure proper control of information while allowing as open a process as possible, it is expected that material information will not be released unless first cleared by the Chairman or Staff Director, in consultation with the Ranking Minority Member.

If information or materials or allegations that may have a bearing on the investigation are made available without clearance by the Chairman or Staff Director and notice to all Members, then it is expected that the person or persons who have knowledge of the statement or release of information will bring it to the attention of the Chairman, Staff Director and Ranking Member as soon as possible. Members of the Subcommittee and the Chairman and Ranking Member of the full Committee will also be briefed about major material announcements and action, before any such announcement is made or action taken whenever possible.

(VI) All Staff persons detailed to the Subcommittee or retained by the Subcommittee for the investigation will be reporting to the Chairman and/or permanent Subcommittee staff.

Minoity staff persons detalied to the Subcommittee or retained by the Minority for this investigation will be reporting to the Minority Counsel, the Minority Staff Director, or the Ranking Minority Member, in consultation with the Chairman of the Committee, providing it does not violate the rules of the House.

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., March 13, 1984.

MEMORANDUM

To: John Fitzgerald, Counsel, Subcommittee on Human Resources Committee on Post Office and Civil Service.

From: Steven R. Ross, General Counsel to the Clerk.

This memorandum is intended to memorialize our earlier telephone conversations. You may recall that on February 29, 1984, we discussed the legal implications of the subcommittee's affirmative response to a request from the Senate Judiciary Committee for access to certain non-executive session material which had been voluntarily provided to the Subcommittee.

It is beyond peradventure of doubt that providing information to a Senate Committee constitutes protected legislative activity and that the application of the Speech or Debate Clause immunity would bar the imposition of any civil liability on the Members and Committee aids involved.

The Speech or Debate Clause, U.S. Const. Art I, § 6, cl. 1, has been consistently read to prohibit judicial inquiry of the communicative and deliberative processes of the Congress. *Eastland* v. *United States Servicemen's Fund*, 421 U.S. 491, (1975); *Gravel* v. *United States*, 408 U.S. 606 (1972). The Courts have distinguished between the dissemination of information outside of Congress, and the internal communications within Congress. *Hutchinson* v. *Proxmire*, 443 U.S. 111, 130-133 (1979). Specifically, it has been held that the provision of information to a Member of the Senate by an aide to a House investigative subcommittee was a privileged legislation action which could not be "questioned" in a judicial proceeding. *Tavoulareas* v. *Piro*, 527 F.Supp. 676, 682 n.5 (Holding the question, "Did you [a House committee aide] provide any information to the Subcommittee about the Mobil, Samarco, Atlas relationships to Senator Metzenbaum or any member of his staff?" to be clearly within the protection of the speech or debate clause.)

We have also discussed, on several occasions, whether the Rules of the House restrict the subcommittee's response to the Senate Judiciary Committee's request. As I have previously indicated, the Rules of the House provide generally that all "records" of a committee are to be kept separate and distinct from the Congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the House. . . ." H.R. Rule XI, cl. 2(e)(2), Rules of the House of Representatives, § 706c, reprinted in Constitution, Jefferson's Manual and Rules of the House of Representatives H.R. Doc. No. 97-271, 97th Cong., 2d Sess. 441 (1983) (Rules of the 98th Congress). The rule specifically provides that all members of the House shall have guaranteed access to the records of all committees except for certain records of the Committee on Standards of Official Conduct. H.R. Rule XI, cl. 2(e)(2), id. Unlike a House Member or committee, a Senator or a Senate committee could not assert an abso-

lute right to the subcommittee's records under this rule and the discretion to determine what information would be provided in response to a Senatorial request remains an internal determination.

The House Rules specifically provide that evidence taken in executive session may not be released absent the consent of the committee or subcommittee. H.R. Rule XI, cl. 2(k)(7), Rules of the House, supra at 421. Rule 20 of the full Post Office and Civil Service Committee Rules provides that "classified materials" shall be deemed to have been received by the committee or subcommittee in executive session and that the Chairman "shall establish such procedures as in his judgment may be necessary to prevent the authorized disclosure of any classified material." However, I understand that the material requested by the Senate Committee is neither executive session nor classified materials. That the House, and the full committee have specifically provided for committee or subcommittee approval prior to the release of executive session material indicates a different procedure applies for non-executive session and unclassified material.

You informed me that the subcommittee has adopted guidelines and operating procedures which provide guidance to the members and staff of the subcommittee for the treatment of information obtained by the subcommittee.

It would not appear that the Rules of the House would restrict the subcommittee's response to the Senate request taken in conformity with the subcommittee's guidelines and procedures.●

THE HOME MORTGAGE EMERGENCY ASSISTANCE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, yesterday in presenting the case that I again do today on the emergency and dire need of home loan mortgage assistance for hundreds of thousands of American families who through no fault of their own either have or are about to or are in the process of confronting the loss of their homes, I pointed out yesterday that the House passed out last May the Emergency Home Loan Mortgage Assistance Act which I have the honor of having drafted and authored, and caused hearings to be held thereon as chairman of the Housing Subcommittee of the House of Representatives. I pointed out that even though we had attempted to bring it up as a truly emergency measure before we broke up a year ago for the Easter recess, we were unable to do it because of the absolute determined, obdurate opposition on the part of the President and the administration and the party members of the administration in the House in, on and off of the subcommittee, on and off of the full committee where, unfortunately, we passed that legislation on a strict party line vote.

I pointed out yesterday that the reasons supporting the introduction and the approval of that bill and legislation was based on extensive hearings that we called before we even so much as dared ask any other colleague to support it. We adduced profusely very, very tragic testimony from every single section of the country, urban as well as rural, and geographically East, West, North, and South. There is no question about it.

□ 1830

There is a crisis. The crisis continues. And even though the House approved that legislation, as I said yesterday, by better than 115 votes, despite the stern opposition, unwavering to this day, on the part of the administration and its spokesmen in the Congress, it lies languishing in the Senate. And no Senator on either side that I know of, even those Senators who have constituencies in which foreclosures, not defaults or threatened defaults, but foreclosures; and the rate of foreclosures have outbeat the highest point of the Depression period in volume, in numbers.

I also mentioned yesterday and I rise today in order to round out or fill in that aspect which I left a gap in presenting. I pointed out by bringing into the discussion the presentation in a special order of my distinguished colleague from Pennsylvania, Mr. GAYDOS, who, as a spokesman and head of the steel caucus, has been speaking out on that particular dilemma, and I pointed out that his very, very distressing picture, the massive unemployment that persists, continues, over 23½ percent, 27 percent in some of the basic areas of a key industry such as steel, and auto products, and related manufacturing and processing.

I pointed out that even though they have succeeded and are continuing to make efforts to further succeed in waking up America to what has been happening to it, that the real basic issue is not unlike that which this country was subjected to by way of the same identical problem after World War I, and that history, in a sense, does repeat itself; and that foolishly, our country, our leaders, particularly our credit-allocators, our powerful, powerful forces in banking and corporate powers, have again duped and sold out the American people or the American constituency in a most vicious, irresponsible, and predatory manner.

And in order to round out and fill in the similarity and the reproduction of occurrences, I would like to point out by reading a little bit of history, a plaintive question by way of a complaint.

In 1932, in a question asked by an American concerned then and writing about the subject matter, he asked,

Where is the state of Minas Gerais. Are we expected to know? Yet we have loaned $16 million of American credit.

Now $16 million translates today into at least no less than three-quarters of a billion dollars in today's corresponding inflationary extrapolations.

Sixteen million dollars in credit to the state of Minas Gerais and all we know about it is that the bonds of Minas Gerais are in default.

Then that same year, in fact 1931, 1 year earlier, a very disinguished American who served, and I remember in my childhood how this name was a household name, as Ambassador to Mexico from the United States, Dwight W. Morrow, father-in-law of Charles Lindbergh, but one who distinguished himself tremendously.

I remember the front page of the papers of that day prominently quoting this Ambassador to Mexico, probably one of the most significant and renowned Ambassadors since Ambassador Pinckney, before the Mexican war.

And he wrote in this famous magazine Foreign Affairs in that year, 1931, and he continued writing to the year 1932. I have been pleased or maybe some people can say tainted with a good memory, almost total recall. So I can remember those days as if I were living them today.

I was only 15 years of age, but I remember vividly. And I read the subject matter. This is why I can go back and dig them out.

Dwight Morrow happened to come from that great banking firm of J.P. Morgan & Co.

At that time that was the equivalent of our Chase Manhattan, First International, Chemical Trust; big, gargantuan—well, today they are acting like dinosaurs of that day—international bankers. And here is what this good Ambassador and father-in-law of "Lindy," Charles Lindbergh said, and it was printed in the Foreign Affairs Quarterly, and actually he had first written about this 4 or 5 years before 1931.

And he was commenting on why, during those years—and this was right before the crash, just like today—in which our loans to foreign countries exceeded the total borrowing of all American States, counties, townships, districts, towns, boroughs, and cities. This is what we have today.

We have the nine largest banks of our country so overweaningly, foolishly, with great folly, with an overhanging debt from these so-called developing countries that cannot even pay to roll over the interest payments, much less address themselves to the principal, in such amounts that the total amount of that debt to these banks exceeds the total resources, assets, the so-called structural capitalization of the banks.

Now if that were to happen to a local bank, small bank, it would be de-

cleared insolvent. But because now the Federal Reserve Board has been able to tap the Treasury of the United States and the Chairman of the Federal Reserve Board, in answer to a question directed him just at the last appearance he made before our committee on this subject matter; told me to my face that he was prepared to call upon the total resources of not only the Federal Reserve but of the Nation, if it meant that that is what it would take to save these banks.

However, in further answer to the question I then propounded, which he really did not answer, he as much as admitted that even that may not be enough.

So our distinguished Ambassador Dwight Morrow was saying, "How come this thing happened?" So his essay became a classic in that period of time. And he referred to the fact that he had been on a train heading for Chicago, picked up a Chicago newspaper and he counted the number of foreign bonds listed in his daily bond table.

□ 1840

He said that that number at that time was 128. Whereas 10 years before there had been only six that he could remember.

Then, this is a direct quote of that article, he said:

Examining that long list of 128 bonds I discovered that governments, municipalities, or corporations of some 30 different countries were represented. Countries scattered all over the world. The list included the countries of our own hemisphere, Canada, Cuba, Brazil, Argentina, Chile, Peru, Bolivia, Uruguay, nations abroad with whom we fought and against whom we fought.

That is World War I.

Governments in the Far East, such as Japan and the Dutch East Indies. And cities as widely separated as Copenhagen, and Montevideo, Toyko, and Marseilles.

The contemplation of the extent and variety of America's investment in foreign bonds gives rise to three questions. Who buys these bonds? Why do they buy them? What do they get when they have bought them?

Interesting questions that no banker in modern day America has bothered to ask to the everlasting glory of such a man as Ambassador Morrow, who as I said and repeat, came from J.P. Morgan. He at least asked the questions.

He said:

When we talk about the person who is investing in foreign bonds, we are talking about a great institution in New York or Chicago or Boston. We are talking about thousands of people living in all parts of the United States. We are talking about school teachers and army officers and country doctors and stenographers and clerks.

Naturally, because what was being used by the bankers and all were the deposits of the citizens just as is the case again today, with fundamental differences, tremendous fundamental differences.

And that is that in that day the meager skeletal framework of the mighty cartels of that day were babes in swaddling clothes compared to our megacorporations and international corporations and multinationals who today are dictating that the American worker is placed in competition with every single slave laborer in the world. And I hate to use these words but I do not know how else to describe them: With every peon, with every coolie in the world, again as then.

Mr. Morrow then supposed that one reason why these investments were being made was because, and here is how he explained it:

How is the investor to form an intelligent judgment as to the safety of his investment? If he should be asked this question I think that he would put into the very forefront of his reasons for making the investment the fact that he had confidence in his banker who offered him the investment. This throws a heavy responsbility upon the banker.

This is exactly what has happened. Once again, despite the safeguards after 1932, which incidentally the Congress itself has been one safeguard after safeguard been discarding just within the last 6 years.

So that they had a committee hearing in 1932, over in the Senate. The Senate Committee on Manufacturers. And let us see, they hailed some of these bankers before them, which the Congress unfortunately to this day has failed to do. They had more guts, I guess, in that day and time in the Senate.

The committee, and I quote from the report of that committee hearing: "* * * was hearing bankers on the question of establishing a National Economic Council."

Strangely enough this is exactly a request that has been sprouting here in the Congress the last year and a half and exactly called that, a National Economic Council. Reminiscent of Hitler's Dr. Hjalmar Schacht, who I mentioned yesterday, and the grand German Chamber of Economics that was true of that period of time in Germany.

Anyway, this committee was hearing the bankers on the question of establishing this economic council and it asked this particular banker what the bankers had done to restrict a wild use of American credit before the collapse.

He answered this way and it is in the Senate committee print:

Speculation was in the air and the speculators wanted to buy, buy, buy, and the bankers and brokers dealing in security supplied that demand.

In other words, I do not think you would be justified in holding the banker responsible for the wide speculative craze that worked through the country. I think they were simply trying to supply what the customer wanted. I think the banker is like the grocer. He supplies what his customer wants.

This is exactly the philosophy today of Mr. Walt Wriston of the First City National, where they have an overhang in Brazil alone that is shattering. And it clearly begs the question once again and that is that you cannot empty the credit resources of America's economy into outpouring for construction of homes, elimination of slums, development of the infrastructure of those foreign countries, while we neglect ours as we do today. Our infrastructure by all universal acknowledgment is crumbling underneath us because this administration and this President reflects the philosophy that we have got to pour these endless resources, such as the $8½ billion to the IMF last year, to help bail out the banks by making these resources, tax resources of the American taxpayer, which means credit allocations, to these foreign debtors that cannot pay, and will not be able to pay, and who today after months of this temporary help are once again threatening to default in those payments. And once again you are having emergency meetings at the behest of the Secretary of the Treasury and others saying: "Hey, you bankers, you got to give more of what you don't have any more in order to try and stave off this collapse because once you start one, you set a chain of events and you will have the whole house of cards collapsing," or I prefer to call it the bubble that will soon break the world, the same kind of bubble as the one that broke the world in 1929.

Now you cannot have the drainage of the Treasury into investments in foreign lands where we cannot even check on whether or not the investments are being carried out as promised in the procurement of the loan or the allocation of the credit.

We cannot say then that we can be against offering even on a secure basis the means for an American family, temporarily facing a problem beyond that family's control, just a loan, in order to enable that family to keep the roof over their head and a possession they can say is their own. And therefore the greatest identification with the soil and the land, our country.

This is what we are facing essentially today, a repetition with one vital difference and that is, that the same President who comes in and talks about wanting a constitutional amendment for a balanced budget but who simply will not present a balanced budget to the Congress, is also saying that we must cut the budget, will not stipulate exactly where or how, but we must, on the nondefense while asking the same Congress this year for us to raise our ante on defense, the greatest defense budget ever in the history of

any country or combination of countries, from $257 billion to about $315 billion.

□ 1850

But under what circumstances? The circumstances in which the same President has created a war psychosis over the past 2½ years, where he has callously, hardheadedly, obstinately refused to see that brave marines were going to be slaughtered like animals in a slaughterhouse, and even after they were, remained obdurate and still exposed them. Even to this day, they may be on some ship there, but they are still exposed, as I have pointed out here many times, to those antiship missiles in those hills that have a range of up to 50 miles.

But what is this? What is our purpose? What is our defense budget being increased for? For vital, actual, practical, realistic defense needs? No. For the possible development—remember, they have not even been developed—of instrumentalities or weaponry that has not even been developed, may never be completely developed and, even if developed, never deployed.

For what purpose? Because of this threat by a defiant enemy, by the President's own definition, that it is an inexorable enemy and for whom he has already created a war psychosis in the American public's mind.

So I have gotten up—and I have been the only one that I know of in the Congress that has gotten up—during the debate on a couple of times, the first going back several years, and asked, first, the chairman of the subcommittee of the Armed Services having jurisdiction on the subject matter, as well as the ranking minority member, second, the chairman of the Subcommittee on Appropriations having jurisdiction of the subject matter, as well as the ranking minority member, and I asked one question: What amount represented in this budget as called for is for the purpose of the defense of Europe? And they all answered the same way: "We don't know."

So then I said: "Well, I have estimated on my own"—and I am not a member of that committee, but I have figured out—"it is not less than 50 percent. Would you say that I am within a fair range of truthfulness in that assessment?"

And they said, "Oh, yes. But still we can't tell you because all through this disparate document known as the defense budget we don't have this definition, we don't know how much research and development it will be for that purpose," et cetera.

I feel that it is a very unresponsive type of reaction, and will keep asking the question.

I figure that of the $257 billion now presently approved by the Congress in this current fiscal year, better than 50 percent, more than $125 billion, is for that so-called purpose.

We still have 300,000 troops in Germany. We have 45,000 troops in Korea. We do not known exactly what it is that is going to be called for, expecially since we developed the so-called special forces, in the area of Lebanon, the Middle East. We are surrounding Nicaragua with 30,000 of our military on the land, the air and the sea, where the President is committed to the undoing of the regime in Nicaragua today. The President has embarked on a course of war, even as I am speaking here to my colleagues.

Let me say that we are at war, and hypocritically so, because we have a duly accepted and credentialed Ambassador in Managua mouthing words of peace and friendship, while we have our CIA weekly attempting to assassinate their leaders, destroy their dock and port facilities and other things such as that. We have taken over and are occupying the country of Honduras. We have got there, alone, 10,000 of our soldiers.

We are building, as other of our distinguished colleagues have pointed out and have adduced evidence, permanent airstrips and other things. It will not be long before the headlines will be translated from the Marine situation in Lebanon over to Central America, on which we will be reading headlines about how some of our soldiers are dying and how we have got to rise to the occasion and fight those dirty Communists.

But what I am saying is that at no time has this Congress or the President signified or revealed any kind of confrontation to the basic issue, which is a repetition of the basic issue confronting us in the interim between World War I and so-called World War II.

The fact is that we failed to face and our leaders failed to face, our President, not only this one, our congressional leaders, the fact that this is another world, yet our mental set is such that Europe is still looked upon as a 1947 Europe. We have changed the designation of our troops from occupation to defense. But let us try to put ourselves in the position of a German citizen particularly the generation on the threshhold of power right now that does not remember World War II. Some of us in our generation always forget that we are about to go on and we are going to have this generation step into our shoes and that their world is one that is totally different from that which we know and think of when those word symbols ring in our head.

And so when I have asked these questions, and there seems to be a puzzlement and almost a condemnation of me, as if I am raising some treacherous and treasonable questions, I cannot help but feel demoralized, because I think it is vital that our perceptions be correct, because the difference between this world and the one that was so similar in the post-World War I period is that today mankind does indeed have the power to destroy himself. We, in our egoism, even here in our Western World, forget that when we are talking about a defense, which I call a war budget, and talking about the possibility of winning an atomic war, we forget that every country south of us has signed the treaty, Nonnuclear Presence Treaty, banning all nuclear weaponry in that part of the hemisphere which we share but which we so brutally and cavalierly overlook.

There is more apprehension south of the border about a conflict that this country might get into in which we would have the possiblity of atomic warfare than indeed I find here, because after all, that river to the south of us is not any bulwark or barrier to the catastrophic effects of an atomic attack. And yet there is no awareness of that in our national psyche, our national conscience.

Should we not ask ourselves these questions? Should we not act in accordance with a decent respect for the opinion of mankind?

And all of this translates down to the fact that we as Representatives must put into perspective the burgeoning, rising needs of our people, give them priority, instead of, as I say, the quite incomprehensible folly reflected by the actions of our leading bankers, who have so irresponsibly acted and so irresponsibly abandoned the American economy, its workers, and its citizens in the greed for greater profit.

□ 1900

That is the issue.

As I said yesterday when the steel company closed the doors of the plant in Homestead, Pa., just last December, and threw out the last of the handful of workers. In this great place, which ironically was where our steel industry began with old Andrew Carnegie.

The chairman of the board and president said, well, our whole objective is to make money, and then he said that they considered indispensable not less than 20 percent yield of profit. Yet they were complaining, came to the Congress and asked and received special protective legislation against the Japanese and European imports, and I believe that under the circumstances it was right. I believe that we have not done enough now. I believe that we have come a round circle even back to the beginning of our national entity. We are now, as far as an economy is concerned, back to the old mercantile system, where we were the consumers and the mother country insisted that we stay that way; prohibited manufacturing in our

own colonies, and took our own products, manufactured them there and came back and sold them and made us buy them from them. That was the mercantile system; we are back in that system. The difference being that these great masters, these malifactors of great wealth, these megacorporate chieftains and moguls in their master plan and playing the pawns of their game, the profits to be gained by cheap labor here, the abandonment of American labor. Putting that American worker to compete with that slave labor. That fellow has never changed all through mankind's history. This is why governments have been set up, and when governments forsake the people we have what we have in our country today. We have the pitiful situation, not only of the loss of homes to good, sturdy American families that ought to have at least a line of credit. At least—at least, not equal to, but one-tenth of that which we are making available to a faithless and questionable debtor in lands many hundreds of miles away, with no hope of repayment.

A businessman today, if he is a really small businessman, and once they even get $1,500 or a $2,000 loan, as I said yesterday, what must he do? If he can get that banker in his town to give him the line of credit, he has to pay at least 18 percent interest. That is usurious, that is extortionate. No economy in the history of mankind has survived usury. This is why mankind has had all kind of laws going back to 7,000 years before Christ in the time of Hammurabi against usury.

What has an American businessman got today, I mean the little one? The ones in between like the vast majority of the 14,000 commercial bankers that the Federal Reserve Board is supposed to be for. The Federal Reserve Board is not a Federal agency. A lot of Americans think it is, a lot of Congressmen think it is, it is not. It is a freewheeling, autonomous controller of the allocation of resources, of finances and credit of our country, with no accountability to anybody.

Not to either the Congress who created it, or the President, who is satisfied with having secret meetings with the Chairman of the Board to make a deal that at least up until November 6 this year, the Feds, like they did in 1972 for Mr. Nixon, will loosen that little spigot enough. Then what happens after November, well who cares? Everybody is whistling in the dark. Congressional leaders, members of committees, industrial leaders in America, the President, the Secretary of the Treasury, all of these mighty men, they are whistling in the dark because they hope we can muddle through until November. That this bubble will not burst.

I feel a little bit more sanguine than that because they are not taking into consideration that other little ingredient, that was not present in 1929. It is today. And that is, that domestically we have no control over some of these forces that can impact upon us before November 6. I hope not, but sooner or later, whether it is before or after November 6, we are going to have to face it. But, meanwhile the President has had his secret meeting with Mr. Volcker and they have sort of made a little deal that the Feds will not do anything untoward; tighten the screws too much. Just loosening that valve a little bit to permit some major economic strain to be avoided.

However, the delusion of recovery continues, it is a delusion. It is not the first mass delusion of its kind, history is replete with stories about them. But in this particular instance, we the Members, especially those of us on the committees that have jurisdiction, are charged with knowledge, and if we fail to raise our voices out of whatever motive: Fear or anything else, loss of the seat or anything else. As I have told my colleagues on the committee from time to time: "Rise, ye fellow Members, you have nothing to lose but your seats."

We must speak, as a very great French writer once said, he said: "If I know the truth, and speak it not, I then am an accomplice of liars, cheats and impostors."

I ask my colleagues to concentrate now no matter what on the long-overdue revision and reform of the Federal Reserve Board structure. It is completely out of control; it has completely escaped the congressional intent as envisioned in the original Federal Reserve Board Act of 1913. It has shown its complete abandonment of even its principal role.

As I said, when a little businessman who is going out in droves into bankruptcy like never before, even exceeding the Depression rate. When we have that, how can we sleep in comfort any more than I felt we could have on that fateful Thursday in October preceding Sunday the 23d when the marines were massacred. One does not have to be a prophet; one does not have to be a genius; all one has to do is listen to the conscience and act in accordance with the solemn oath of office we have taken, where presumptuously we call ourselves Representatives. In the most august position of any in any country, including our own.

It is the House of Representatives that has had ex-Presidents coming back and seeking to be Members of the House of Representatives.

□ 1910

Why? You cannot be appointed to this body. If you are a U.S. Senator and there is a vacancy, yes, you could be appointed by the Governor, but not to the House of Representatives. There is only one way we can get here, and that is through the vote of the people in our districts.

So I say we are charged with knowledge. I have evoked a little bit of history, pinpointed it, naming names, dates, and even specific examples in an exact repetition, except on a lesser scale, a less dangerous scale, than what we are seeing happen today.

I conclude by saying that we cannot continue this way without great detriment to the national destiny, for as was said by the English poet, ill fares the land to ills fated. Where wealth accumulates and men decay, stalwart, freeborn Americans are decaying, Mr. President and fellow Members. We shall not allow that to happen. We should not. But our society and its structure today throughout the world, not only in our country, is such that no single individual has the potential to stand up to these forces. He must have the aid of that particular agency or organ of the people, his own government. This aid is not forthcoming. Up to now we have turned our backs on the average American, what that great Charles Sumner said at the turn of the century, the forgotten American, the average one, who is trying to raise his family, own his home, pay his taxes, go to church on Sunday, do his duty in time of peace and war. He is forgotten. He is forsaken. He has been cheated. He has been robbed. He has been stripped naked of what is his right through his constitutional framework of reference to have from his government and his chosen representatives.

I say we cannot abdicate, no matter what the cost. So you lose an election. There are a lot worse things than that.

ELECTRONIC FILING OF DOCUMENTS WITH THE GOVERNMENT: NEW TECHNOLOGY PRESENTS NEW PROBLEMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. ENGLISH) is recognized for 10 minutes.

● Mr. ENGLISH. Mr. Speaker, advances in computer and telecommunications technologies and decreases in their costs offer Federal agencies opportunities to improve the flow and management of information. The Paperwork Reduction Act of 1980 recognized these advantages by encouraging the use of new information technologies to improve the efficiency of Government programs and to reduce the public paperwork burden.

During the past year or two, several agencies have begun to explore ways in which computer and telecommunications technologies can be incorporated into their operations to streamline data collection, storage and retrieval, and dissemination. The Patent and

Trademark Office has signed several contracts for automating their trademark operations as a preliminary step to automating all operations. The Securities and Exchange Commission has issued a request for proposals for a pilot test of an electronic filing, processing, and dissemination system. The Federal Maritime Commission is also considering an electronic filing, storage, and retrieval system for tariffs.

Automation may offer an efficient way to manage the huge number of documents filed with and maintained by Federal agencies. The Patent and Trademark Office receives over 100,000 patent and 60,000 trademark applications annually, and as many as 7 percent of the 24 million paper documents on file may be missing at any one time. The Securities and Exchange Commission requires 9,500 publicly held companies to file multiple disclosure documents each year. Current annual volume exceeds 6 million pages of paper.

Electronic filing of documents with Government agencies clearly holds the promise of savings, not only for the agencies, but perhaps also for those who file tariffs, registrations, patent applications, and other documents. But before we get carried away with the allure of Tom Swift and his all-electronic form 10-K, we have to recognize that there are some hard questions presented by the new technology.

Both the SEC and the FMC hope to develop systems that will be operated by private contractors at no cost to the Government. While cost-free filing systems are certainly attractive, we all recognize that the Government will not receive services for nothing. Contractors will receive compensation in some fashion. Who will bear the cost of electronic filing?

The Patent and Trademark Office has signed agreements with private companies for the automation of agency records at no cost to the Government. One aspect of these agreements requires the agency to deny Freedom of Information Act requests for the records in automated form. Is the agency obtaining services at the price of limiting public access to some of its records? Has the agency agreed with its contractors to limit competition in some fashion by restricting use of automated records?

We do not know the answer to these questions yet. In fact, I do not think that we can even be sure that we are asking all of the right questions. We need to think about the problems as well as the promises of electronic filing. It will be cheaper and fairer for everyone if we address the problems before they grow too large or too uncontrollable. If we do not take a hard look at electronic filing systems now, we will be sorry later.

The Subcommittee on Government Information, Justice, and Agriculture, which I chair, has begun an investigation into electronic filing systems. As a first step, I have put together a list of questions designed to identify the issues that are raised by electronic filing. The list is appended to this statement. It may help others concerned about electronic filing to sharpen their own thinking. At this preliminary stage, my goal is to define the issues first and then to decide how to seek answers. Anyone who shares my interest is invited to contact my subcommittee and help us in this process.

I do not want to leave anyone with the idea that I am opposed to electronic filing systems or that any of the agencies I have mentioned are doing anything improper. My purpose is to highlight a developing information technology and to begin to explore its real costs and its consequences. Ultimately, I hope that many agencies will be able to share in the benefits of the electronic age in a cost-effective fashion that is fair and equitable to all concerned.

QUESTIONS PRESENTED BY FEDERAL AGENCY PLANS TO ESTABLISH ELECTRONIC FILING SYSTEMS: A PRELIMINARY LIST

(A) Public Access:

(1) Will contractual arrangements for electronic filing curtail the ability of the public to have access to government documents now routinely made available in public to documents rooms or otherwise?

(2) Will contractual arrangements for electronic filing systems interfere with public access under the Freedom of Information Act?

(3) Will the maintenance of information in electronic form permit an expansion in the ability of the public to have direct access to public information in government files?

(B) Right and Responsibility of Contractors Operating Electronic Files on Behalf of Agencies:

(4) Is it realistic to expect contractors to operate electronic filing systems for agencies at no cost?

(5) Who owns the data in a contractor-operated electronic file?

(6) If a contractor loses a contract and is replaced by another contractor, what rights, if any, will the first contractor retain over data submitted during the course of the original contract?

(C) Rights and Responsibilities of Submitters:

(7) Will all submitters be required to file documents in electronic form?

(8) Will submitters be required to bear all costs of complying with electronic filing requirements?

(9) Will submitters be offered incentives to use electronic filing methods?

(10) Will submitters be required to convert any past filings to electronic form?

(D) Privitization of Government Functions:

(11) Will contractors operating electronic filing systems be asked or required to reject filings that do not comply with agency requirements? What will be the legal effect of such rejections?

(12) Will contractors operating electronic filing systems be asked to make decisions about the public availability of information or to process Freedom of Information Act request?

(E) Monopoly Issues:

(13) Will the granting of monopoly rights over information distribution be a necessary element of contracts for the operation of electronic filing systems?

(14) Do agencies have legal authority to grant contractors monopoly rights over information or information distribution?

(15) Will operators of electronic filing systems be able to require submitters to purchase the hardware or software necessary to permit electronic filing? How will distribution and pricing be controlled?

(F) Fairness:

(16) In order to induce a contractor to provide an electronic filing system at no cost to the government, will an agency restrict the rights of other parties? Will an agency reject Freedom of Information Act requests for some information, refuse to make information available in electronic form, or charge a high price for disclosure of data in electronic form?

(17) How will an agency prevent a contractor from using or redisclosing confidential data filed electronically?

(18) How will an agency prevent a contractor from using public information filed electronically in a way that will give the contractor an advantage over other information users who can only obtain the data later.

(19) Can the transition to an electronic filing system be conducted in a way so as not to unduly interfere with the operations of existing sellers and distributors of information?

(G) Archives:

(20) Is a record filed solely in electronic form considered to be a record for purposes of the Federal Records Act?

(21) If documents are filed electronically, what is the official agency record?

(22) How long must electronic records be maintained on-line, and how will the records be available when no longer on-line?

(23) How will electronic records be reviewed for archival retention, and in what form will the Archives maintain data deemed important for historical purposes.

(H) Miscellaneous:

(24) Is there a need for the establishment of some government-wide standards for electronic filing systems before different systems are developed independently by several agencies?

(25) Would the granting of exclusive distribution rights as whole or partial payment for the operation by a contractor of an electronic filing system constitute the sale of an agency asset? Would such a transaction violate the law or constitute an augmentation of appropriations?

(26) If an agency arranges through a contract or series of contracts for the operation of a computerized filing system, will there be a circumvention of the procedures required before an agency can acquire a computer for its use?

(27) Will the collection of information in electronic form through a contractor avoid or circumvent any of the requirements of the Paperwork Reduction Act?

(28) If different agencies develop electronic filing systems using different hardware, software, or other important features, will the result be inconsistent and incompatible electronic filing requirements and standards that will increase the costs to the government and the private sector?

(29) What computer security problems are presented by the establishment of electronic

filing systems designed for remote telephonic access by multiple users?

(30) How will responsibility be assessed for errors in documents filed electronically? How will errors be identified?

(31) Will the introduction of electronic filing systems be accompanied by new or increased user charges? If so, who will bear the burden of the new charges?●

HOSTILE TAKEOVERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

● Mr. RODINO. Mr. Speaker, we are in the midst of another takeover wave, this one focusing on the petroleum industry. Within the last 2 months, we have seen takeovers involving Texaco and Getty, Mobil and Superior Oil, and Standard Oil of California and Gulf Oil. The stakes are not small. Four of these companies are among the top 10 in Fortune 500 list of U.S. industrial corporations: Mobil is No. 3, Texaco is No. 4, Standard Oil of California is No. 7, and Gulf Oil is No. 9. The Getty Oil Co. is the 24th ranked firm. And the smallest of the companies involved in these transactions, the Superior Oil Co., is ranked 52d in assets (108th in sales).

Each of these takeover attempts is ostensibly a friendly marriage. But if we look more closely, we see elements of a shotgun wedding. Gulf Oil, for example, agreed to the takeover by Socal only after being pressured by the hostile offer from T. Boone Pickens. And there are indications that the management of both Getty and Superior were pressured into their respective takeovers by the threat of a takeover fight involving large stockholders.

Hostile takeover activity is not limited to the oil industry. We need only pick up the newspaper to learn that, almost on a daily basis, new targets are singled out by corporate raiders. Many takeovers that appear friendly have an element of compulsion beneath the surface.

From what I read, I am not the only one disturbed by this brand of takeovers. Chief executive officers, responding to a survey by Dun's Business Month last November, disapproved of them by a margin of 7 to 1. The author of the article wrote that the CEO's "would emphatically like to see takeovers diminish in both frequency and animosity so America can get back to work." They strongly indicated that too much time, effort, and money are spent fending off potential adversaries who, like roaring lions, walk about seeking whom they may devour.

U.S. tolerance of hostile takeovers is distinct. They do not occur in Germany and Japan. Great Britain, although not outlawing them, subjects hostile takeovers to a public-interest review by a commission.

I am not sure why our attitude toward such takeovers has changed, but, until 20 years ago, they were unknown in the United States. I suspect though, that most of these bids are engineered by a relatively few acquisition-minded companies and by investment bankers, a group that could hardly be said to be financially disinterested. As the Dun's survey suggests, most companies want nothing to do with hostile takeovers.

Are there benefits in these takeovers? Possibly.

Some argue that they are vehicles to dump inefficient management. But an FTC study, in July 1980, found that 1 of the top 12 motives for acquisitions was a desire to obtain the good managers with the target firm, not to replace poor ones.

Takeover threats will keep target managers on their toes, others contend. If this is so, they are a spur only to short-term performance, one chief executive told our committee. A takeover threat gives management no incentive to look to the long-term future of a company, he said, and the threat actually detracts from both short- and long-term performance, because it is a frequent, time-consuming distraction.

Indeed, one business executive says that the costs of an unfriendly takeover are inevitably too high, "and we do not have an unused management pool to replace old management." And another says that making an acquisition and bringing new executives and key employees into the mainstream of a company is hard enough "without the added burden of a conflict from the start."

In sum, it seems likely that an acquisition-minded company looking for a good investment will pick a well-run firm as a target.

Another reason offered to justify hostile takeovers is that they benefit shareholders of the target company. Of course, premiums paid to shareholders benefit them—and they may more accurately reflect the real-world value of corporate assets.

But why are many corporate stocks undervalued in the first place? I think Government budgetary and fiscal policies are prime culprits. If Government budgetary and fiscal policies are more in line with revenues, extremely high interest rates result. This depresses the value of most securities. While takeovers benefit select stockholders, most undervalued shares are left untouched. And data supplied to the subcommittee suggests that more often than not the stockholders of the acquiring corporation have seen their holdings depreciate as a result of an acquisition.

The very thought of being a takeover target causes corporate officers to put together elaborate defense schemes. This response is a natural human reaction. I would expect managers, within the limits of the law, to do their best to assure job security.

But none of this comes cheaply. "Golden-parachute" severance pay arrangements cost money. "Shark-repellant" defenses that raise capital through the sale of nonvoting securities can undercut the principle of shareholder control—a precept at the heart of our securities and corporate law. Transactions engineered hastily in the heat of battle can produce some pretty strange results. Long-term interests may be sacrificed to drive up stock prices in the short run, giving a competitive edge to foreign firms not subject to the same pressure to maintain short-term performance.

Some of the problems that have developed in the last few years are the result of laxity in enforcement and lack of leadership in the agencies that enforce the antitrust and securities laws. Past administrations opened new enforcement avenues to meet new and changing conditions in the world of mergers and, when necessary, sought corrective legislation. During the administration of President Ford, the Congress enacted the Hart-Scott-Rodino Act to address inadequacies in merger reporting procedures. The Reagan administration has shown creativity in the opposite direction—carving out additional areas in which the antitrust laws will not be enforced. That is not the kind of leadership this Nation needs. The Congress will not stand idly by and watch a fundamentally sound system of corporate leadership disintegrate.

Despite all the concerns about hostile takeover, some experts believe the threat of a takeover can spur better performance from management. But can this positive incentive for competitive performance be preserved without the many ill effects of hostile takeovers?

I believe this can be achieved. I am introducing today a bill, the Hostile Takeover Act of 1984, that will amend the antitrust laws to make takeovers unlawful if they are disapproved by a majority of the independent directors of the target company. To be independent, these directors must have no substantial financial or commercial relationship with the corporation other than as stockholders in the company.

I think this proposal has several advantages over a flat prohibition.

First, if takeover threats do keep managers on their toes, this legislation seeks to preserve that positive influence. The independent directors, with their key role in a takeover defense, could apply leverage to obtain sound management decisions for the long haul.

Second, it would prompt those firms that have none to name independent directors. Without them, this legal

barrier to hostile takeovers would not operate.

Finally, I am assuming here that most companies are well run and that the independent directors will, in most cases, support management. But, if they determine that resistance to a tender offer is unwise, they could give the green light to the takeover. And, by restricting management actions that might be inimical to a company's best interest, they could make a takeover more amicable and less costly for all parties involved.

To be effective in pressing management for top performance, independent directors must show true independence from management. In forthcoming hearings on this proposal, the Committee on the Judiciary must explore whether other means of selecting independent directors, or new standards for bringing suit against such directors that do not live up to their fiduciary obligations, will make this proposal more effective.

I am proposing initially that this new law be effective for approximately 2 years. I understand that legislation on the subject of takeovers must balance the interests of shareholders, management, employees, and the longer term economic interests of this country. That balance may require change in the tax and securities laws as well as the antitrust laws. During the 2-year period this law will operate, I hope that interested committees of the Congress as well as Federal agencies with expertise in antitrust and corporate governance will join in developing a sound approach to the problems generated by hostile corporate takeovers.●

JEWEL PATTON—OUTSTANDING CITIZEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I would like to take this opportunity to inform my colleagues of the retirement of one of the leading citizens of Monterey County, Jewel Q. Patton. Ms. Patton has served for 12 years as executive director of the Salinas Visiting Nurse Association, and, with the merger of the Salinas VNA and the Monterey VNA, she is stepping down.

A graduate of the Yale University School of Nursing, Jewel Patton was one of the original founders of the Salinas Visiting Nurse Association. Under her strong leadership, the VNA initiated free blood pressure screenings and homemaker services for homebound patients. In addition, the geographic area served by visiting nurses was expanded to take in the Salinas Valley and San Benito County. The visiting nurse association has been very successful in providing needed services in relatively inexpensive fashion, and I think our entire medical care system could take a lesson from the way it has operated since its inception.

In addition to her work with the Salinas VNA, Jewel Patton has served on the board of directors of the local hospice and was a member of the American Cancer Society's local rehabilitation and service committee. From 1977 to 1982, she represented smaller visiting nurse associations on the board of the California Association of Health Services at Home. In addition, she has been active on nursing committees, and with the Heart Association, the Lung Association, and the Cancer Society.

Mr. Speaker, I feel very strongly about the need to search out less costly means of providing medical care to our citizens, particularly senior citizens. The work that Jewel Patton has done in this field serves as an example of the kind of care we need to encourage, and I am proud to know her. Indeed, advice she has provided me over the years on this issue has been invaluable in the preparation of legislation I have introduced. I certainly hope that her retirement does not mean that I, and the Congress, will not be able to draw on her as a resource in the future.

It is my understanding that Ms. Patton and her husband are planning to travel through Australia, New Zealand, and New Guinea. I am sure my colleagues join me in wishing them the best of luck and happiness both in their travels and in retirement.●

"BORROWED MONEY MEANS BORROWED TIME": BRINGING THE DEFICIT UNDER CONTROL

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of the House, the gentleman from California (Mr. PATTERSON) is recognized for 60 minutes.

Mr. PATTERSON. Mr. Speaker, in his state of the Union address, just 2 months ago, President Reagan recommended approval of a constitutional amendment granting the Chief Executive line-item veto authority. This authority would allow the President to veto certain items in appropriations bills while leaving others intact. Our present system requires the President to either sign the whole bill or to veto it entirely. Critics of the present system claim that the system forces the President to spend on items that he believes are not deserving and encourages Members of Congress to "pork barrel" or add pet projects as amendments to larger bills which the President must sign. Currently, 43 States, including my home State of California, give their Governors line-item veto authority to assist in controlling the budget.

In line with the President's suggestion, some of my colleagues have proposed joint resolutions calling for a constitutional amendment to give the President line-item veto authority. The problem with these constitutional amendment proposals is that even if they received consideration by the Congress immediately, it would still take several years before the amendment procedure was complete. This is because three-fourths of the States would have to ratify the amendment before it would become effective. Recent joint resolutions proposing constitutional amendments have provided a maximum of 7 years for State ratification. In light of the current deficit crisis, we do not have the luxury of time. Additionally, several Members of Congress have expressed concern over possible misuse of this kind of authority by the executive branch. Commonsense would tell us that because the line-item veto is controversial, an absolute grant of authority to the President is not going to receive the kind of support necessary to get the proposal passed by the Congress this year.

Therefore, I have proposed H.R. 4774, which resolves both these problems by becoming effective immediately upon enactment and by lasting only 1 year. This will give Congress and the President a chance to evaluate this proposal before having to make a full commitment to the idea.

My bill, H.R. 4774, enhances the rescission authority of the President rather than being a pure line-item veto which probably would be held unconstitutional if created by statute. However, this will give the President the same budget control he would otherwise have with a line-item veto without requiring a constitutional amendment to be effective which would take 7 years. I firmly believe that we have a statutory mechanism that is workable and legal.

H.R. 4774 is based on the procedures set forth in the Impoundment Control Act of 1974 and works as follows:

First, the President notifies Congress of his intention to eliminate or reduce an item of appropriation within an appropriations bill;

Second, Congress then has 45 days to disapprove of the President's decision by enacting legislation to the contrary;

Third, if Congress fails to enact legislation to the contrary, the President's decision, his veto, stands, and the funds are eliminated or reduced;

Fourth, however, If Congress enacts legislation expressly disapproving of the President's decision, the President will still have the opportunity, as he does on all bills, to veto the separate enactment of Congress;

Fifth, Congress may then act to override the President's veto as prescribed by the Constitution.

Such a fundamental institutional change should be considered on a statutory basis and considered immediately, because the deficit has grown at astronomical proportions during the last 4 years.

Make no mistake about it; the size of the deficits that have been incurred since 1981 together with those projected through fiscal year 1989, are unparalleled ever in American history. The total national debt has already increased 74 percent since 1981 and will double by 1986 if the proposed budget for fiscal year 1985 is approved. In other words, all the debt accumulated by all previous administrations throughout our Nation's 208-year history would be doubled in just 6 short years.

Some of the cruelest effects of these outrageous deficits will not be borne by this generation of Americans. It is our children and our children's children who will suffer the most. The interest cost on our national debt has already been more than doubled by this administration. The interest expense, $108.2 billion this year, is now greater than the total of all Federal grants—grants for highways, schools, medical research, community development, and many other needed and worthwhile investments. The rapidly growing interest payments produce nothing for the betterment of our Nation. But rather, will stand as a costly legacy for our children to repay.

Although many of my colleagues have expressed concern over the effect of the deficit on future generations of Americans, there has been relatively little attention paid to the immediate economic effects of the deficit.

Astronomical deficits threaten the economic well-being of Americans today in three significant ways:

First, high interest rates. Interest rates are driven up by the Federal Government's increased borrowing from the private sector and the perception that this borrowing will become more pronounced in the future.

For an area like Orange County, Calif., where I come from, this means that consumers are going to have more difficulty buying homes, cars, and appliances. Additionally, two of the county's most important industries, construction and manufacturing, will be hit particularly hard by high interest rates.

The second phenomenon is a direct outgrowth of the first—fewer opportunities for growth means fewer jobs. Additionally, high interest rates also adversely affect employment opportunities by reducing the ratio of American exports to foreign imports. As foreign investors rush to convert their currency into American dollars to take advantage of higher interest rates, they drive up the value of the dollar. As the dollar goes up, American products become more expensive abroad, while foreign goods become cheaper in the United States. The Institute for International Economics estimates that the United States will lose as many as 1 million jobs this year because the overvalued dollar abroad has reduced American exports. Again, for an area like Orange County that is seeking to increase exports. This effect will be quite harmful to the local economy.

Finally, if the economic recovery proceeds without sufficient investment, it may mean shortages of some products and that could push inflation up. The Federal Reserve Board has contributed to this problem by allowing the Nation's money supply to grow rapidly during the initial stages of the economic recovery. Since mid-1983, the Fed was forced to tighten up on the money supply to avoid an inflationary disaster. Such a sudden flip-flop in monetary policy. However, will surely have a negative impact on economic growth and output. The inflationary impact of the Federal Reserve Board's earlier policies will hit about the same time as the current monetary tightening reduces economic growth. Slower economic growth means that personal income will grow at a slower rate as well. Couple this with higher rates of inflation in the months ahead and you have only one thing—reduced growth in real income.

Therefore, the fact that people will have less buying power and there is less new investment and fewer new jobs means that we are moving headlong into a new recession. I believe that we are at the crossroads of this economic recovery. With immediate action, we can bring deficit spending under control and greatly reduce the chance of another recession. We must explore all available alternatives for reducing the deficit. The recommendations made by the Grace Commission support that conclusion as well.

This analysis by leading business executives has produced hundreds of recommendations for cutting Government costs and improving Government efficiency. A few of the specific recommendations I support include:

First, ending Government subsidization of electric power rates in areas of the Northwestern United States that have benefited from artificially low electric rates at taxpayer expense.

Second, requiring the military to buy commonly used parts competitively.

Third, improving the Department of Defense's inventory management.

Fourth, better tracking of the earnings of social security recipients to eliminate overpayments.

Fifth, closing inefficient and unneeded military bases and post offices.

Sixth, increased review of tax returns by the IRS to insure that all Americans pay the taxes they owe.

Finally, I believe that the enormous increases the President has called for once again this year in defense spending can be moderated without jeopardizing our national security. I am ready to appropriate every dollar needed to protect the interests of the United States, to support our friends, to advance the cause of freedom, and promote the prospects of peace. But I will not spend a dollar more than is necessary to meet those goals.

We have all heard of too many instances of outrageous waste by the Defense Department in recent years. The General Accounting Office reports that, at the end of the last fiscal year, the Defense Department's rush to spend all available money resulted in the last minute purchase of 57,000 softballs, a 14-month supply of paper and enough ice-cube makers and videocassette players to fill serveral warehouses.

The amount requested for defense is, in fact, more than twice the amount approved for the defense in the fiscal year 1980 budget. While I have supported and continue to support substantial increases in defense spending, I do not believe that the $237.5 billion defense budget that was approved for fiscal year 1984 needs to be increased by the full 14.5 percent recommended in the budget. I believe that a 5-percent rate of real growth, as proposed by the administration itself in 1981 and 1982, is fully sufficient to insure our national defense.

I say it is high time that all of us in Government stop assigning blame for our problems and get down to the business of solving those problems.

Besides the line-item veto proposal I have introduced, I have also introduced a resolution calling for a constitutional amendment mandating the submission by the President, and the approval by the Congress, of a balanced budget. While a constitutional amendment is a drastic measure, I believe it is clearly called for given the severity of our deficit crisis.

I have cosponsored the Fair Tax Act proposal which was introduced by Senator BRADLEY of New Jersey and Congressman GEPHARDT of Missouri. This legislation would totally streamline our complicated and unfair Tax Code. It would eliminate special interest tax loopholes. The bill would establish a progressive tax structure with only three rates. No longer could the wealthy use the hundreds of obscure deductions now available to reduce or eliminate their fair burden of taxation. It is our middle and lower income citizens who must bear the burden of high tax rates when the wealthy escape their fair burden. It is my firm belief that taxpayers would

be much more willing to pay their share of the total tax burden if they truly believed they were being assessed a fair share of that burden. Increased compliance means higher tax receipts and lower Federal deficits.

Long before it was a popular notion, I cosponsored legislation to establish a bipartisan commission to recommend solutions to the deficit problem. Such a commission would be similar to the one formed to rescue the social security program. I welcome the President's recent support for this initiative.

I have also cosponsored the 2-percent CPI reduction bill. This legislation would temporarily reduce the impact of tax indexing by 2 percent as well as temporarily diminishing cost-of-living increases in entitlement programs by 2 percent. I believe a small temporary sacrifice by all of us will be necessary if we are ever going to really reduce these deficits.

In summary, the time has come for all of us in Government to bite the bullet and make the politically difficult decisions necessary to substantially reduce these deficits.

I sincerely believe that the package of proposals I have just cited would, if enacted, allow us to attain this goal.

I call upon my colleagues in the Congress and upon the administration to put aside their political differences and join in this critical effort to reduce our national debt.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BADHAM (at the request of Mr. MICHEL), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KASICH) to revise and extend their remarks and include extraneous material:)

Mr. BETHUNE, for 60 minutes, today.

Mr. BETHUNE, for 60 minutes, on March 15.

Mr. KEMP, for 60 minutes, on March 15.

Mr. EDWARDS of Oklahoma, for 60 minutes, on March 28.

Mr. JEFFORDS, for 60 minutes, on March 27.

Mr. FISH, for 10 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. DOWNEY of New York, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. FORD of Michigan, for 5 minutes, today.

Mr. RANGEL, for 60 minutes, on March 15.

Mr. GONZALEZ, for 60 minutes, today.

Mr. ENGLISH, for 10 minutes, today.

Mr. RODINO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. FASCELL, for 60 minutes, on March 15.

Mr. YATRON, for 60 minutes, on March 15.

Mr. BROWN of California, for 60 minutes, on March 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. RUDD, prior to the vote on the Bliley amendment to H.R. 3020 in the Committee of the Whole today.

(The following Members (at the request of Mr. KASICH) and to include extraneous matter:)

Mr. HILER.
Mr. GUNDERSON.
Mr. FRENZEL.
Mr. GOODLING.
Mr. CONTE in two instances.
Mr. FIELDS.
Mr. BROYHILL.
Mr. BEREUTER.
Mr. BETHUNE.
Mr. O'BRIEN.
Mrs. VUCANOVICH.
Mr. SHUSTER.
Mr. RUDD.
Mr. MCEWEN.
Mr. BILIRAKIS.
Mr. CHENEY.
Mr. JEFFORDS.
Mr. KINDNESS.
Mr. STANGELAND.
Mr. MCCOLLUM.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. VANDERGRIFF.
Mr. GEJDENSON in two instances.
Mr. LONG of Maryland.
Mr. ROE.
Mr. FAZIO.
Mr. SOLARZ.
Mr. BRITT.
Mr. DOWNEY of New York.
Mr. SCHUMER.
Mr. HAMILTON.
Mr. FORD of Tennessee in two instances.
Mr. DYMALLY.
Mr. PEASE.
Mr. JACOBS.
Mr. LAFALCE.
Mr. GUARINI.
Mr. SWIFT.
Mr. OLIN.
Mr. LIPINSKI.
Mr. ADDABBO.
Ms. KAPTUR.
Mr. FRANK.
Mr. BENNETT.
Mr. MILLER of California.
Mr. SKELTON.
Mr. LELAND.
Mr. FLORIO.
Mr. SCHEUER in two instances.
Mr. MARKEY.
Mr. ROSTENKOWSKI.
Mr. DE LUGO.
Mr. WEISS in two instances.
Mr. TORRES.
Mr. BOUCHER.
Mr. EDWARDS of California.

ENROLLED JOINT RESOLUTION SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 454. Joint resolution honoring the contribution of blacks to American independence.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 912. An act to modify the authority for the Richard B. Russell Dam and Lake project, and for other purposes.

ADJOURNMENT

Mr. PATTERSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, March 15, 1984, at 10:20 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2896. A letter from the Assistant Secretary of Defense (Manpower, Installations and Logistics), transmitting a report on cost savings under contracting out procedures since January 1, 1981, pursuant to Public Law 98-94, section 1222(a); to the Committee on Armed Services.

2897. A letter from the Secretary of Education, transmitting a draft of proposed legislation to amend the Higher Education Act of 1965, to establish a financial assistance program emphasizing student self-help, to enhance the equity and effectiveness of Federal programs in support of higher education, to increase flexibility and simplify higher education programs, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Education and Labor.

2898. A letter from the Secretary of Transportation, transmitting the annual report on railroad financial assistance, pursuant to Public Law 96-448, section 409; to the Committee on Energy and Commerce.

2899. A communication from the President of the United States, transmitting information on the international agreements

that have been transmitted to Congress after the specified deadline, pursuant to 1 U.S.C. 112b(b); to the Committee on Foreign Affairs.

2900. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting information on political contributions by nominees as ambassadors or ambassadors at large, and their families, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

2901. A letter from the Chairman, National Labor Relations Board, transmitting a report on the Board's activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2902. A letter from the Chairman, Tennessee Valley Authority, transmitting a report on the Authority's activities under the Freedom of Information Act during 1983, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2903. A letter from the Attorney General, Department of Justice, transmitting a draft of proposed legislation to provide financial assistance to the States for the purpose of compensating and otherwise assisting victims of crime, and to provide funds to the Department of Justice for the purpose of assisting victims of Federal crime, pursuant to 31 U.S.C. 1110; to the Committee on the Judiciary.

2904. A letter from the General Counsel, Department of Energy, transmitting a draft of proposed legislation to authorize appropriations for the Department of Energy for national security programs for fiscal year 1985 and fiscal year 1986, and for other purposes, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Armed Services and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DERRICK: Committee on Rules. House Resolution 462. Resolution providing for the consideration of H.R. 4170, a bill to provide for tax reform, and for other purposes (Rept. No. 98-617). Referred to the House Calendar.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 3755. A bill to amend title II of the Social Security Act to provide for reform in the disability determination process; with amendments (Rept. No. 98-618). Referred to the Committee of the Whole House on the State of the Union.

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 4222. A bill to make certain technical amendments with respect to the court of appeals for the Federal circuit, and for other purposes; with an amendment (Rept. No. 98-619). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FASCELL (for himself, Mr. HAMILTON, Mr. SOLARZ, Mr. BONKER, Mr. BARNES, Mr. WOLPE, Mr. GEJDENSON, Mr. DYMALLY, Mr. LANTOS, Mr. KOSTMAYER, Mr. TORRICELLI, Mr. SMITH of Florida, Mr. BERMAN, Mr. REID, Mr. LEVINE of California, Mr. FEIGHAN, Mr. WEISS, Mr. ACKERMAN, and Mr. GARCIA):

H.R. 5119. A bill to authorize international development and security assistance programs and Peace Corps programs for fiscal year 1985, and for other purposes; to the Committee on Foreign Affairs.

By Mr. BLILEY (for himself, Mr. APPLEGATE, Mr. BATEMAN, Mr. DANIEL, Mr. DANNEMEYER, Mr. FISH, Mr. GLICKMAN, Mr. HUTTO, Mr. LAGOMARSINO, Mr. LUNGREN, Mr. MCCAIN, Mr. NICHOLS, Mr. PARRIS, Mr. ROBINSON, Mr. SENSENBRENNER, Mr. SILJANDER, Mr. TRAXLER, and Mr. WILLIAMS of Ohio):

H.R. 5120. A bill to clarify the obligations of broadcasters to legally qualified candidates for public office, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BOUCHER (for himself and Mr. OLIN):

H.R. 5121. A bill to designate certain national forest system lands in the State of Virginia as wilderness, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Agriculture.

By Mr. DERRICK:

H.R. 5122. A bill to direct the Secretary of Agriculture to release a reversionary interest held by the United States in certain lands in Pickens, Anderson, and Oconee Counties, S.C., and to direct the Secretary of the Interior to convey certain mineral interests of the United States in such lands; to the Committee on Agriculture.

By Mr. DURBIN (for himself, Mr. HARKIN, and Mr. EVANS of Illinois):

H.R. 5123. A bill to strengthen provisions of the Consolidated Farm and Rural Development Act prohibiting conflicts of interests; to the Committee on Agriculture.

By Mr. FISH (for himself, Mr. GEKAS, and Mr. DEWINE) (by request):

H.R. 5124. A bill to provide financial assistance to the States for the purpose of compensating and otherwise assisting victims of crime, and to provide funds to the Department of Justice for the purpose of assisting victims of Federal crime; to the Committee on the Judiciary.

By Mr. FOGLIETTA:

H.R. 5125. A bill to provide for greater balance in the proportion of military chaplains of different faiths as compared to the proportion of different faiths represented among the total membership of the Armed Forces; to the Committee on Armed Services.

By Mr. FRANK:

H.R. 5126. A bill to provide for 1,000 additional immigrant visas for unmarried nieces and unmarried nephews of citizens of the United States; to the Committee on the Judiciary.

By HAMMERSCHMIDT:

H.R. 5127. A bill to amend the Employees Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 to improve the delivery of retirement benefits and provide for greater equity under private pension plans for workers and their spouses and dependents by taking into account changes in work patterns, the status of marriage as an economic partnership, and the substantial contribution to that partnership of spouses who work both in and outside the home, and for other purposes; jointly, to the Committees on Education and Labor, and Ways and Means.

By Mr. HILER:

H.R. 5128. A bill to limit the authority to conduct reduction in force within the Bureau of Apprenticeship and Training of the Department of Labor; to the Committee on Education and Labor.

By Mrs. KENNELLY:

H.R. 5129. A bill to prohibit sales of Stinger air defense guided missile systems to Jordan and Saudi Arabia; to the Committee on Foreign Affairs.

By Mr. LEVITAS:

H.R. 5130. A bill to terminate certain authority of the executive branch of the Government which is subject to congressional review unless that authority is approved by an enactment of the Congress; to the Committee on Foreign Affairs.

H.R. 5131. A bill to terminate certain authorities of the executive branch of the Government which are subject to congressional review unless those authorities are approved by an enactment of the Congress; to the Committee on Foreign Affairs.

H.R. 5132. A bill to terminate certain authorities of the executive branch of the Government which are subject to congressional review unless those authorities are approved by an enactment of the Congress; to the Committee on Interior and Insular Affairs.

H.R. 5133. A bill to terminate the Senior Executive Services unless it is continued by an enactment of the Congress; to the Committee on Post Office and Civil Service.

By Mr. OBERSTAR:

H.R. 5134. A bill to amend the Agriculture Act of 1949 to require the Secretary of Agriculture to make available advance deficiency payments for the 1984 and 1985 crops of wheat, feed grains, cotton, and rice to certain producers in disaster areas; to the Committee on Agriculture.

By Mr. OWENS:

H.R. 5135. A bill to provide a deduction for employment expenses which are incurred by the taxpayer for the care of certain individuals in the home or in a dependent care center if such care is necessary for the gainful employment of the taxpayer or a member of the household of which any such individual is a member; to the Committee on Ways and Means.

By Mr. PEASE:

H.R. 5136. A bill to amend the provisions of the Trade Act of 1974 relating to the "Generalized System of Preferences"; to the Committee on Ways and Means.

By Mr. RODINO:

H.R. 5137. A bill to amend the Clayton Act to temporarily prohibit certain involuntary acquisitions of persons engaged in commerce or in any activity affecting commerce; to the Committee on the Judiciary.

By Mr. SHANNON:

H.R. 5138. A bill to amend the Internal Revenue Code of 1954 to allow contributions to tax-exempt social welfare organizations to be deducted for gift and estate tax purposes; to the Committee on Ways and Means.

By Mr. SHUSTER:

H.R. 5139. A bill to provide that the estimated tax penalty shall not apply to underpayments attributable to the inclusion in gross income of certain railroad retirement benefits received during 1984; to the Committee on Ways and Means.

By Mr. SMITH of Florida (for himself, Mr. GILMAN, Mr. KEMP, Mr. BARNES,

Mr. TORRICELLI, Mr. LONG of Maryland, Mr. COUGHLIN, and Mr. MICA):

H.R. 5140. A bill to prohibit the sales of Stinger air defense guided missile systems to Jordan and Saudi Arabia; to the Committee on Foreign Affairs.

By Mr. VANDERGRIFF:

H.R. 5141. A bill to amend part A of title XVIII of the Social Security Act with respect to payment levels for hospice care; to the Committee on Ways and Means.

By Mr. GUNDERSON:

H.J. Res. 515. Joint resolution proposing an amendment to the Constitution of the United States with respect to voluntary silent prayer in public schools and equal access to public school facilities; to the Committee on the Judiciary.

By Mr. DONNELLY:

H. Con. Res. 274. Concurrent resolution expressing the sense of the Congress that the participants of the New Ireland Forum are to be commended for their efforts to bring about genuine progress in the search for a just and peaceful solution to the problems of Northern Ireland; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

344. The SPEAKER presented a memorial of the House of Representatives of the State of Kansas, relative to enacting legislation to declare the first Friday in March of each year as Teacher Day USA; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. BATES introduced a bill (H.R. 5142) for the relief of Ruben and Maria Eustacia Hernandez; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 421: Mr. WEAVER.

H.R. 1250: Mr. SISISKY, Mr. McCAIN, Mr. ST GERMAIN, Mr. BRYANT, Mr. MATSUI, Mr. SAM B. HALL, JR., Mr. EVANS of Illinois, Mr. BLILEY, Mr. ECKART, Mr. FAZIO, and Mr. WYDEN.

H.R. 1405: Mr. WILLIAMS of Ohio, Mr. QUILLEN, Mrs. HOLT, and Mr. SHELBY.

H.R. 1415: Mr. MCDADE, Mr. JEFFORDS, Mr. GEJDENSON, Mr. ORTIZ, and Mr. MINISH.

H.R. 1752: Mr. SOLARZ.

H.R. 2053: Mr. HARRISON.

H.R. 2151: Mr. LEWIS of California.

H.R. 2568: Mr. TORRICELLI.

H.R. 2584: Mr. YATRON.

H.R. 2837: Mr. CONYERS and Mr. VOLKMER.

H.R. 3016: Mr. WHITEHURST, Mr. STAGGERS, Mr. HARRISON, Mr. SOLOMON, and Mr. LONG of Maryland.

H.R. 3361: Mr. EDWARDS of Oklahoma.

H.R. 3482: Mr. FEIGHAN and Mr. MRAZEK.

H.R. 3487: Mr. APPLEGATE, Mr. WILLIAMS of Ohio, Mrs. JOHNSON, Mr. BATEMAN, Mr. BEDELL, Mr. CONTE, Mr. EVANS of Iowa, Mr. WHITTAKER, and Ms. OAKAR.

H.R. 3581: Mr. SKEEN, Mr. ROBERTS, Mr. HUGHES, and Mr. MCCAIN.

H.R. 3585: Mrs. BOXER.

H.R. 3688: Mr. ROSE.

H.R. 3713: Mr. BADHAM and Mr. PASHAYAN.

H.R. 3714: Mr. BADHAM and Mr. PASHAYAN.

H.R. 3715: Mr. BADHAM.

H.R. 3716: Mr. BADHAM.

H.R. 4182: Mr. WILLIAMS of Ohio, Mr. WALGREN, and Mr. HAMILTON.

H.R. 4214: Mr. ROWLAND and Mr. FOWLER.

H.R. 4287: Mr. CAMPBELL.

H.R. 4324: Mr. FORD of Tennessee.

H.R. 4356: Mr. BOLAND and Mr. FRANK.

H.R. 4367: Mr. CORRADA, Mr. FROST, Mr. LUKEN, Mr. ORTIZ, Mr. RATCHFORD, Mr. WEAVER, and Mr. WEISS.

H.R. 4402: Mr. PETRI, Mr. WORTLEY, and Mr. COATS.

H.R. 4413: Mr. ORTIZ.

H.R. 4447: Mr. NEAL, Mr. BRITT, and Mr. SIKORSKI.

H.R. 4457: Mr. DOWNEY of New York, Mr. GREGG, Mr. MOODY, Mr. RICHARDSON, Mr. EDGAR, and Mr. SCHEUER.

H.R. 4459: Mr. RUSSO.

H.R. 4475: Mr. CRAIG, Mr. EARLY, Mr. SCHAEFER, Mr. MURTHA, Mr. RITTER, Mr. MILLER of California, Mrs. SCHNEIDER, Mr. DARDEN, and Mr. DURBIN.

H.R. 4563: Mr. STOKES, Mr. CROCKETT, Mr. MITCHELL, Mr. ROE, Mr. ROYBAL, and Mr. HUGHES.

H.R. 4571: Mr. MCEWEN.

H.R. 4635: Ms. MIKULSKI.

H.R. 4642: Mr. HAWKINS, Mr. SCHUMER, Mr. PEASE, Mr. MCCLOSKEY, Mr. SCHEUER, and Mr. REID.

H.R. 4675: Mr. CROCKETT, Mr. STOKES, Mr. ORTIZ, Mr. HOWARD, Mr. RANGEL, Mr. KOLTER, Mr. WON PAT, Mr. MITCHELL, Mr. SMITH of Florida, and Mr. KINDNESS.

H.R. 4741: Mr. KEMP.

H.R. 4745: Mr. ADDABBO, Mrs. COLLINS, Ms. FERRARO, Mr. MATSUI, Mr. TORRES, Mr. TOWNS, and Mr. JACOBS.

H.R. 4747: Mr. ROYBAL, Mr. MATSUI, Mr. TOWNS, Mr. MORRISON of Connecticut, Mrs. BYRON, Mrs. SCHROEDER, Mr. EVANS of Illinois, and Mr. SPRATT.

H.R. 4772: Mr. OLIN, Mr. PRITCHARD, and Mr. JACOBS.

H.R. 4773: Mr. REGULA, Mr. WORTLEY, Mr. CORRADA, Mr. DAUB, Mr. SIMON, Mr. D'AMOURS, Mr. SMITH of Florida, Mr. HUGHES, Mr. WYDEN, Mr. SAVAGE, and Mr. TRAXLER.

H.R. 4813: Mr. CROCKETT and Mr. WON PAT.

H.R. 4837: Mr. ACKERMAN, Mr. BEDELL, Mrs. BOXER, Mr. GARCIA, Mr. HYDE, Mr. HUGHES, Ms. KAPTUR, Mr. LEWIS of Florida, Mr. MORRISON of Connecticut, Mr. RICHARDSON, Mr. RITTER, Mr. YATRON, and Mr. TAUKE.

H.R. 4850: Mr. EVANS of Illinois, Mr. STOKES, Mr. APPLEGATE, Mr. DWYER of New Jersey, Mr. ACKERMAN, Mr. MITCHELL, and Mr. RANGEL.

H.R. 4865: Mr. CARPER.

H.R. 4877: Mr. BATES, Mr. BURTON of Indiana, Mr. CLINGER, Mr. EVANS of Illinois, Mr. DANNEMEYER, Mr. GRAY, Mr. HUTTO, Mr. MONTGOMERY, Mr. WILLIAMS of Montana, and Mr. WIRTH.

H.R. 4879: Mr. ROYBAL.

H.R. 4880: Mr. ROYBAL.

H.R. 4881: Mr. ROYBAL.

H.R. 4882: Mr. ROYBAL.

H.R. 4883: Mr. ROYBAL.

H.R. 4961: Mr. WHITLEY.

H.R. 4965: Ms. FERRARO.

H.R. 5008: Mr. PORTER, Mr. ANNUNZIO, Ms. KAPTUR, Mr. HAYES, and Mr. VENTO.

H.R. 5042: Mr. HARKIN, Mr. KASTENMEIER, Mr. MARKEY, Mr. ECKART, Mr. CROCKETT, Mr. OWENS, Mr. BERMAN, Mr. LUKEN, Mr. OBEY, Mr. ROSE, Mr. ROYBAL, Mr. GEJDENSON, Mr. KOGOVSEK, Mrs. SCHROEDER, Mrs. BURTON of California, Mr. PEASE, Mr. MCNULTY, Mr. MITCHELL, Ms. KAPTUR, Mr. RANGEL, and Mr. UDALL.

H.R. 5054: Mr. PETRI, Mr. MILLER of Ohio, Mr. CRAIG, and Mr. SOLOMON.

H.R. 5075: Mr. WISE.

H.J. Res. 200: Mr. MCDADE, Mr. MINISH, Mr. DANNEMEYER, Mr. CHAPPELL, Mr. GOODLING, and Mrs. BOGGS.

H.J. Res. 247: Mr. PARRIS, Mr. MRAZEK, Mr. VANDERGRIFF, Mr. MCHUGH, Mr. GARCIA, Mr. DIXON, Mr. REID, Mr. WORTLEY, Mr. ROYBAL, Mr. D'AMOURS, Mr. YATES, Mrs. SCHROEDER, Mr. BROYHILL, Mr. ROSE, Mr. SCHAEFER, Mr. ANDERSON, Mr. MOORHEAD, Mr. DEWINE, Mr. WYDEN, Mr. REGULA, Mr. DOWNEY of New York, Mr. RINALDO, Mr. PHILIP M. CRANE, Mr. MILLER of California, Mrs. KENNELLY, Mr. BEVILL, Mr. RODINO, Mr. WON PAT, Mr. ANDREWS of North Carolina, Mr. JACOBS, and Mr. CLARKE.

H.J. Res. 309: Mr. CARPER, Mr. LAFALCE, Mr. LIPINSKI, Mr. MARKEY, Mr. RICHARDSON, Mr. SAVAGE, and Mr. STOKES.

H.J. Res. 385: Mr. BIAGGI and Mr. MCKERNAN.

H.J. Res. 389: Mr. RICHARDSON and Mr. REID.

H.J. Res. 473: Mr. RICHARDSON, Mr. LEVIN of Michigan, Mr. FISH, Mr. WILSON, Mr. GRADISON, Mr. PERKINS, Mr. WILLIAMS of Ohio, Mr. DUNCAN, Mr. HUGHES, Mr. KASICH, Mr. LIVINGSTON, Mr. YOUNG of Florida, Mr. FAZIO, Mr. MURTHA, Mr. ST GERMAIN, Ms. SNOWE, Mr. OTTINGER, Mr. MINETA, Mr. LAFALCE, Mr. CHANDLER, Mr. LOEFFLER, Mr. FUQUA, Mr. CLARKE, Mr. SPRATT, Mr. BARTLETT, Mr. HYDE, Mr. WAXMAN, Mr. SNYDER, and Mr. FRANK.

H.J. Res. 479: Mrs. LLOYD, Mr. HORTON, Mr. HARTNETT, Mr. BILIRAKIS, Mr. MAZZOLI, and Mr. HANSEN of Utah.

H.J. Res. 480: Mr. GINGRICH and Mr. BILIRAKIS.

H.J. Res. 488: Mr. EARLY, Mr. FLORIO, Mr. LIPINSKI, Mr. MRAZEK, Mr. PATTERSON, Mr. RAHALL, Mr. EDGAR, Mr. CORRADA, Mr. ANDERSON, Mr. CLINGER, Mr. STARK, Mr. LANTOS, Mr. LAFALCE, and Mr. CONTE.

H.J. Res. 491: Mr. ANNUNZIO, Mr. BOLAND, Mr. DERRICK, Mr. GONZALEZ, Mr. HUGHES, Mr. O'BRIEN, Mr. REID, and Mr. VENTO.

H.J. Res. 496: Mr. FIELDS, Mr. SKEEN, and Mr. HUNTER.

H.J. Res. 497: Mr. DANNEMEYER.

H.J. Res. 502: Mr. GREEN, Mr. HUGHES, Mrs. BOXER, Mr. MCKINNEY, Mr. ALEXANDER, Mr. OTTINGER, Mr. BERMAN, Mr. WHITTAKER, Mr. MARTINEZ, Mr. SHELBY, Ms. FERRARO, Mr. KOSTMAYER, and Mr. GILMAN.

H. Con. Res. 23: Mr. MATSUI.

H. Con. Res. 123: Mr. CLAY and Mr. DIXON.

H. Con. Res. 227: Mr. GUARINI.

H. Res. 303: Ms. FERRARO.

H. Res. 377: Mr. HUGHES.

H. Res. 395: Ms. MIKULSKI and Mr. HUGHES.

H. Res. 433: Mr. DORGAN.

H. Res. 458: Mr. WON PAT, Mr. WYDEN, Mr. BIAGGI, Mr. MAVROULES, Mr. KASTENMEIER, Mr. LEVINE of California, Mr. BEDELL, Mr. MCKINNEY, Mr. FORD of Michigan, Mr. RANGEL, Mr. NEAL, Mr. TOWNS, Ms. KAPTUR, Mr. SOLARZ, and Mrs. BOXER.

PETITIONS, ETC.

Under clause 1 of rule XXII,

322. The SPEAKER presented a petition of the City Council of Greenacres City, Fla., relative to the appointment of a representa-

tive from Florida to the House Committee on Energy and Commerce; which was referred to the Committee on Energy and Commerce.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2133

By Mr. ROTH:

—Page 6, strike "(4)(A), in lieu of:

TECHNICAL DATA

"(4)(A) Within one-hundred and eighty days after the effective date of this paragraph, the Office of Federal Procurement Policy (or any successor agency) shall promulgate rules and regualtions defining 'legitimate proprietary interest' for purposes of this subsection. Such rules and regulations shall be promulgated as a part of the Federal Acquisition Regulations and shall give due consideration to the following—

"(i) statements of policy, objectives, and purposes contained in Public Law 96-517, Public Law 97-219, and section 8(d) of this Act;

"(ii) the governmental interest to increase competition and lower costs by developing and locating alternative sources of supply and manufacture;

"(iii) directing appropriate purchasing agencies to establish reverse engineering programs which provide domestic small business concerns an opportunity to purchase or borrow spare or replacement parts from the Government for the purpose of design replication or modification to be used by such concerns in the submission of subsequent offers to sell the same or like parts to the Government: *Provided*, That nothing contained in this clause shall limit the authority of an agency head to impose restrictions on such a program related to national security considerations, Government inventory needs, the improbability of future procurements for the same or like parts, or any additional restriction otherwise imposed by law;

"(iv) the rights to technical data or other data which is developed in whole or in part with Federal funds:

"(v) placing a time limit on the rights to technical or other data which is developed at private expense and not developed in whole or in part with Federal funds;

"(vi) a requirement that the procuring agency, with respect to each major system acquisition, insert a clause in the initial research and development contract and production contract and significant modifications to that contract pertaining to technical or other data [developed in whole or in part with Federal funds]. Such clause shall contain provisions specifying, as appropriate, the Government's right to own, license, use or otherwise access such data and the extent, if any, of proprietary interest maintained by the contractor and subcontractors;

"(vii) a requirement that the procuring agency, with respect to each major system acquisition, insert a clause in the initial research and development contract and production contract and significant modifications to that contract warranting that the contractor and their subcontractors will deliver, complete, accurate, adequate, and current technical data.

"(viii) a requirement that the procuring agency, with respect to each major system acquisition, insert a clause in the initial research and development contract and production and significant modifications to that contract stating under what conditions the Government may hire third-party contractors to review claims of proprietary rights on technical or other data by major system contractors and their subcontractors.

"(ix) the imposition of appropriate remedial measures against business concerns which improperly designate technical or other data as proprietary.

"(B) The Administrator of the Office of Federal Procurement Policy (or the head of any successor agency) shall—

"(i) consult with representatives of associations representing small business concerns prior to issuing any rules or regulations pursuant to subparagraph (A); and

"(ii) after the promulgation of such rules and regulations, submit to the Committees on Small Business of the House of Representatives and of the Senate a report detailing how such rules and regulations give due considerations to the factors described in (A) (i) through (viii).

"(C) Within one-hundred and eighty days after the effective date of this paragraph, the General Accounting Office shall report to the Congress recommendations to improve the storage, distribution, and control of technical and other data by Federal agencies obtained as a result of major system acquisition so as to insure the interests of the Federal Government in encouraging competition for the purchase of spare and replacment parts.

EXTENSIONS OF REMARKS

LAURENCE J. REPETTI—CATONSVILLE CITIZEN OF THE YEAR

HON. CHARLES McC. MATHIAS, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Wednesday, March 14, 1984

● Mr. MATHIAS. Mr. President, it is always a source of great satisfaction when a citizen who works devotedly for the public good is recognized in his own community. This has happened to Laurence J. Repetti of Catonsville, Md., and all those who know him are delighted.

Mr. Repetti has been singled out by the Catonsville Business Association as the "Catonsville Citizen of the Year". Mr. Repetti's many and various services to his community were outlined in a recent article in The Catonsville Times, which I submit for the RECORD.

The article follows:

CBA NAMES REPETTI "CITIZEN OF THE YEAR"

(By Roy Furchgott)

If there is a Catonsville community organization that Lawrence J. Repetti isn't involved in, he doesn't know about it.

In fact, when the Catonsville Business Association formally announced that they voted Repetti the Catonsville Citizen of the Year, he couldn't attend. He was at another meeting.

But it is just that kind of community devotion that won Repetti the honor.

"This year we had a very hard time because we had some very good names," said Al Smith, president of the Catonsville Business Association (CBA).

But Repetti's work with community organizations convinved the 10-man selection board to choose him over the 17 other candidates.

In addition to his job as Administrator of the Summit Nursing Home in Catonsville, Repetti is past president of the Health Facilities Association of Maryland, past president of the Catonsville Kiwanis, a member of the Knights of Columbus Patapsco Council, lodge 2323 of Catonsville Elks, The Associated Italian American Charities, the Catonsville 4th of July Celebration Committee, the Catonsville Business Association and the Lay Advisory Board for St. Agnes Hospital.

Repetti has also served for the past four years as co-chairman of the Annual St. Agnes Hospital Golf Tournament, raising $40,000 for the hospital.

He admits his numerous community commitments leave little free time.

"When I eat at home more than twice a week, my wife thinks I'm ill," he said, smiling.

Now, in addition to those other posts, Repetti will have to squeeze in several appearances on behalf of the CBA. The first will be the Catonsville 4th of July Parade, where he will be riding with the president of the CBA in a convertible.

Repetti seems to take it all in stride. He says the honor will not change his rule in the community.

"I think I have always made a contribution to the community and I will continue as I have done in the past," he said.

"Catonsville is a very, very fine community," he added. "I've always been proud to be a part of Catonsville."●

AMERICAN BUSINESS SUPPORTS AN INDUSTRIAL STRATEGY

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. LAFALCE. Mr. Speaker, I would like to bring to the attention of my colleagues an article in the March 19 issue of Business Week, which summarizes the findings of a poll conducted by Lou Harris of more than 600 executives of the 1,200 large corporations in Business Week's Corporate Scoreboard about the future of U.S. industry.

The poll found deep concern among the executives, despite the present economic recovery, about the future of such structurally troubled industries as autos, steel, chemicals, basic metals, paper, and rubber. Fifty-seven percent of the executives believed these industries will continue to be in trouble even if the recovery continues. In addition, 61 percent of the executives were attracted by the suggestion of a tripartite board of business, labor, and Government to develop a national consensus for dealing with trouble industries. The House Banking Subcommittee on Economic Stabilization, which I chair, has proposed the creation of just such a council.

The article presents striking evidence both of the depth of concern in the business community about the long-term future of our economy, and an increasing willingness to join with labor and government in addressing it. This is a very hopeful sign, and I commend the article to my colleagues.

[From Business Week, Mar. 19, 1984]

A CAUTIOUS NOD TO "INDUSTRIAL POLICY"

American business executives are on the brink of a profound change in their view of the future of U.S. industry. What appears to be happening is this: Top corporate managers are becoming so concerned about the viability of large segments of America's productive capacity that they are more willing than ever before to consider radical measures—including a major role for government in some form of centralized planning of a national "industrial policy."

This is the principal conclusion of an opinion poll commissioned by Business Week and conducted by Louis Harris & Associates Inc. The sample consisted of more than 600 executives—many of them chief executive officers—of the 1,200 large corporations in Business Week's Corporate Scoreboard.

The rise in the level of concern over the fate of the "smokestack industries" is striking (chart). In March, 1983, the Harris organization asked a similar sample of executives whether such structurally troubled industries as autos, steel, chemicals, basic metals, paper, and rubber will "continue to be in trouble, even in a time of economic recovery," or whether they can be turned around. Some 44 percent believed that the problems would persist. Only nine months later, the pessimists had risen to 57%—surprising, considering the strength of the U.S. economy.

"MIGHT BE PERSUADED"

But the real surprises lay in the nature of the proposed solutions for the structural problems posed by efficient foreign competition, capital starvation, and high labor costs. In an election year when Democratic candidates—and Democratic congressmen—have stimulated the beginnings of a national debate on the wisdom of some form of industrial policy, pollster Lou Harris probed for the level of business support for various proposals.

Harris points out that executives' resistance to any form of national coordination or central allocation of industrial resources is still formidable—some two-thirds of the sample dismiss it as not feasible. But he deprecates some of this sentiment as "rote" opposition born of deep-seated distrust of central planning schemes in government.

When Harris asked members of the group that voted "no" whether they would change their minds if all such central planning were done exclusively by the private sector, a third conceded that they would. Thus, in Harris' view, the base exists for a majority that "might be persuaded—if a strong President really pushed the policy."

Even if a President assumed leadership on the issue, selling a national industrial policy would be uphill work. For one thing, the survey shows significant resistance by business to any really active role for a central planning mechanism. Harris asked executives to agree or disagree with a list of four alternative missions for such a planning mechanism. The most active and interventionist, "Make key decisions about resource and capital allocation," attracted the least support—7 percent.

Development of a national consensus among government, business, and labor—the chief players in any solution for the woes of U.S. industry—garnered significantly more support, although still a long way from a majority: 29 percent. Thus, the two most aggressive alternatives together were backed by only 36 percent of the sample.

Less-activist planning mechanisms, on the other hand, attracted considerable interest. Some 27 percent of the sample supported some official body that would collect data and make forecasts on industry-by-industry efficiency and performance; another 27 per-

cent backed data collection only. In short, a majority of the sample favored some analog to the Council of Economic Advisers. This idea is similar to the economic coordinating council supported by many congressional Democrats.

WARY OF ACADEMICS

On the issue of which institutions should participate in managing an industrial policy, executives have fairly clear preferences. Although 80 percent see some realistic role for government (only 27 percent think business can manage such planning on its own), only 31 percent back a "major" role. And on the specific issue of central planning, what Harris perceives as a reflexive rejection of government proceeding alone is virtually unanimous.

Even when the choice is an existing executive agency with which business is comfortable, such as the Commerce Dept., only 15 percent support it as the sole planning organization. An independent arm such as the Federal Reserve Board is supported by only 18 percent.

What does business support? Executives, to the tune of 61 percent, are attracted by the suggestion of a tripartite board of business, labor, and government. Curiously, this is precisely the direction that the Democrats are going: a coordinating council—essentially a platform for building public consensus. Broadening the composition of a tripartite board does not necessarily attract more support. In fact, adding "academic experts" to the three other groups drops support from 61 percent to 39 percent.●

RESPONSIBILITY AND EXIT POLLS: GROUP W TELEVISION

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. SWIFT. Mr. Speaker, in the 1980 election, television network news used data from exit polls conducted around the country to project the results of the Presidential race as early as 5:15 p.m. Pacific time—a time when all the polls were closed in only about half the States in this country.

Since then, the Task Force on Elections of the House Administration Committee has been working on a solution to the problem of early network election projections and the adverse impact of those projections on those who have not yet voted.

After a series of hearings, the committee came to the conclusion that all the potential solutions to this difficult problem were flawed in some way, and that by far the best solution would be for broadcasters and other members of the news media to voluntarily refrain from using the data from their exit interviews to project election results until all polls are closed.

We have worked cooperatively with members of the news media in seeking an agreement on voluntary restraint, a task that has been made easier by the many journalists who are concerned about the activities of the broadcast media in this kind of election coverage. Most recently, Eric Sevareid commented that "We've gotten along for 150 years waiting for election results, and I don't see why we can't just keep on waiting."

In addition, the committee is very encouraged that whole news organizations have taken a responsible stand with regard to exit polls and the use of that data. The Cable News Network (CNN), for instance, has stated publicly their decision not to make election projections while polls are open.

Now, Lawrence P. Fraiberg, president of Group W Television Station Group, in speaking to the New York chapter of the National Academy of Television Arts and Sciences has called on the broadcasting industry to unite to stop releasing early projections of election returns.

As reported by Broadcasting magazine:

Saying he "personally" is deeply concerned with the effect TV coverage is having on the national political process, Fraiberg announced that news directors at all six Group W stations have agreed "not to release any of their own exit poll projections until all polls for that office are closed." The stations will be unable to screen out early projections by networks, he said, but he "hopes Group W will set an example" and that the networks and other broadcasters will "follow suit" and withhold all projections until polls have closed.

I salute Mr. Fraiberg and the news directors of the Group W stations. Their bold, responsible action sets an excellent example; I strongly share their hope that the networks and other broadcasters will follow it.●

ONE IN FOUR AMERICANS LIVED IN POVERTY AT SOME POINT IN 1970'S

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. FORD of Tennessee. Mr. Speaker, as you know, the administration recently has been busy trying to devise creative statistical techniques which will show that poverty is not as prevalent in America as is believed. However, a long-term study recently completed by the University of Michigan's Institute for Social Research shows that nearly a fourth of all Americans lived in poverty at some point or another during the 1970's.

It seems strange that while the administration works diligently to try to justify its cutback to programs which aid the poor, study after study has revealed that the current poverty figures may be just the tip of the iceberg, and certainly is something which this Congress will have to address.

Poverty is a real issue in America, and previous administrations, in acknowledging its existance, tried in many cases to work cooperatively with the Congress in attempts to alleviate this devastating problem. The current administration prefers to sweep the poverty issue under the carpet or play games with the poor by manipulating poverty statistics.

I encourage my colleagues to review the University of Michigan's study and others that have been done on the poverty issue which affect some 34 million Americans. The following is a recent Washington Post article on the study.

[From the Washington Post]

ONE IN FOUR AMERICANS POOR AT TIMES IN 1970's

(By Philip J. Hilts)

More than a fourth of all Americans lived in poverty at one time or another in the 1970s even though the official poverty rate was never over 12.8 percent in any one year, according to a new book that challenges popular beliefs about the poor in America.

The new survey, with other emerging data, has begun to alter the long-held image that the poor in America form a permanent underclass locked into a "culture of poverty" with little chance of escape.

The long-term study by the University of Michigan suggests that most of those who slip into poverty do so for short periods after major adverse events, such as divorce. Immediately after divorce, for instance, a divorced woman's income is cut in half, on the average, and rises again only on remarriage.

Only a small percentage of those who experience poverty remain persistently poor—about 2 percent of the U.S. population compared with 25 percent who experience short spells of poverty.

Long-term poverty strikes blacks in much higher proportions than whites—62 percent of the persistently poor are black. But, contrary to the popular picture, they are mostly not stereotypical urban-welfare mothers of young, unemployed men. Nor are they apathetic or averse to advancement.

The Michigan study shows that the small number of people who are persistently poor fit a completely different profile:

One-third are old or live in families headed by the old.

Forty percent live in households in which the head of the family is disabled.

Two-third live in the South, and most in rural areas.

Age-old arguments about whether the poor have behavioral patterns that trap them in self-perpetuating poverty are challenged in a new book, "Years of Poverty, Years of Plenty," that tracks family incomes over decades instead of taking one-time "snapshots" of poverty.

"The discussion of the issues in the 1960s generated more heat than light, partly because of a lack of the necessary data to test the theories," wrote Greg J. Duncan and his colleagues, Mary Corcoran and Patricia and Gerald Gurin, recently in a paper summarizing the material in the book.

"The discussions in the 1960s, when based on data at all, tended to draw upon . . . small and potentially unrepresentative areas and populations. Today more relevant and empirical data are available," they said.

The Duncan book is based on the largest and longest term study ever done on family income changes. It reports the findings of a study by the University of Michigan's Insti-

tute for Social Research which followed 5,000 representative American families for 15 years.

The new view of poverty also appears in a 40-year follow-up study of inner-city children published in the March issue of the American Journal of Psychiatry.

The massive Michigan study shows that one quarter of the U.S. population fell below the official poverty line for one or more years during the decade of the '70s. But less than one-tenth of them were persistently poor through eight or more of the 10 years.

George E. Vaillant of Dartmouth Medical School writes in the current American Journal of Psychiatry that "at first, the certainty of a self-perpetuating underclass appears so obvious as to require no proof."

"It seems that deprivations in childhood—which may induce malnutrition, abuse, overcrowding, unstable living situations, gross neglect, and inferior education and socialization—can only produce young adults with low levels of . . . work skills and with high levels of social distrust, hostility and alienation. . . . Thus, in the mid-1960s, Oscar Lewis introduced the idea of a 'culture of poverty,' in which maladaptation is passed on from generation to generation."

But in the data from Duncan and Vaillant, a majority of children from impoverished homes escape poverty. Vaillant used data going back to 1940 on 456 Boston children, half of whom were from mostly white impoverished homes plagued by abuse, alcoholism and numerous other problems.

When 425 of the 456 persons were checked 35 years later, when they averaged age 47, Vaillant reports that the children of poverty were now "almost indistinguishable from those without . . . initial disadvantages."

Both groups had been employed during more than 90 percent of their lives, both had very similar income levels and showed very little difference in criminal records or mental health.

Eighty to 85 percent of the children from poor, "multi-problem" homes escaped permanent poverty to the stable working class or above.

The University of Michigan data also show the obverse side of the poverty question: a significant percent of the poor move out of poverty even to the highest income levels of society. But an almost exactly equal number of the rich and middle class slip down to the bottom of society.●

PERSONAL EXPLANATION

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. FRENZEL. Mr. Speaker, other congressional business prevented me from casting my vote on three rollcalls on Thursday, March 8. The subject of these votes was H.R. 4164, the Vocational Technical Act Amendments of 1984. Mr. Speaker, had I been present for rollcalls 41, 42, and 43, I would have voted "aye" in each instance. My statement, which appears on page 4789 further explains my support and my concerns regarding vocational education.●

A BRIDGE OF AGREEMENT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. BEREUTER. Mr. Speaker, the Kissinger Commission has submitted its proposals and they are being debated in the Committee on Foreign Affairs, of which I am a member. Unfortunately, it seems as if once again, the polarization of views and past hard feelings will impede the administration and Congress from forming, as the Christian Science Monitor recently called it, "a bridge of agreement." It is, indeed, nothing less than tragic that Congress and the Executive are unable to find a solution to the deep policy divisions on a region so important to us in terms of geographical vicinity and cosanguinity.

The following excerpts of a March 9 editorial in the Christian Science Monitor reflects this Member's sentiments. I hope my colleagues will take the time to read them.

The time is at hand for the Reagan administration and Congress to sit down and form a bipartisan bridge of agreement on the course the United States should pursue in El Salvador, both in the long and short run. On this issue, suspicion and frustration between these two branches of the U.S. Government have replaced tentative cooperation and reasonable degree of consensus. The process can and should be reversed, but it will take candor, goodwill, and hard work on all sides.

El Salvador is too close to United States borders to be ignored: It should be provided with U.S. help, both economic and military. But in turn the Salvadorean Government must substantially improve its record of human rights toward its own people * * * there are signs that some Republicans and Democrats are preparing to blame each other should El Salvador collapse before the United States November elections.

But this is not a time for distrust or blame. Rather it is a moment for cool heads and a clear vision. Top officials of the administration and of Congress, forgetting past feelings, should promptly begin anew to build bridges toward each other on the issue of United States policy toward El Salvador. Both long-term policies and short-term needs should be frankly discussed, and honestly assessed. Neither of the two arms of government can operate independently: Each must have the cooperation of the other.●

EMERGENCY FOOD ASSISTANCE FOR AFRICA

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. WOLPE. Mr. Speaker, on Tuesday of last week the House passed an urgent supplemental to provide emergency food assistance for Africa, where over 150 million people are facing famine in 24 countries due to the most widespread and devastating drought to affect the continent in recent history. Thousands of children and adults are dying daily from starvation. The swift passage of the food supplemental was an indication of the broad bipartisan support which it enjoyed and an affirmation of the laudable tradition of American bipartisan support for humanitarian aid in life-threatening crises.

In the Senate, bipartisan support for the swift passage of this supplemental has also been demonstrated by the efforts of Senators BOSCHWITZ and DANFORTH among others. But instead of moving this measure quickly through the Senate it is now being tied down by a controversial package of military aid for El Salvador and the contras seeking to overthrow the Nicaraguan Government.

We are effectively being told that if we want to feed the starving children of Africa we must also feed the guns of Central America.

Mr. Speaker, I urge this body and the future conferees on this measure to resist these efforts and to insure that American food will get to the people who need it before they die.●

SOCIAL SECURITY TRUST FUND ADEQUACY

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. PICKLE. Mr. Speaker, last year, when the Congress addressed the problems then facing the social security system by enacting the Social Security Amendments of 1983, it was recognized that we were dealing with both a long- and a short-term problem. In charting its course the Congress based its actions on the economic assumptions provided by the actuaries of the Social Security Administration.

Now as time passes, we must continue to monitor these econmic assumptions and watch carefully to make sure that the trust fund reserve levels continue to increase according to projections. We are watching these projections, closely, and can report to you that the funds are secure and the social security program is doing well.

It is in the short term that there has been the greatest concern expressed about the adequacy of the reserve levels, and I am therefore including remarks on this subject published in the Washington Post on March 10, 1984, by the Honorable Robert M. Ball, former Commissioner of the Social Security Administration and Mr. Robert J. Myers, former Chief Actuary of the Social Security Administration.

I agree with these able gentlemen. I repeat: The social security is doing

well and that we are monitoring the trust funds constantly.

The article follows:

SOCIAL SECURITY IS IN GOOD SHAPE

(By Robert M. Ball and Robert J. Myers)

Hobart Rowen ["Social Security: It's Not So Secure," op-ed, Feb. 16] asserts that the Social Security system is once again likely to run into financial difficulties despite the reform legislation enacted last April. A large part of his conclusion is drawn from the recent report by the Committee for Economic Development entitled "Social Security: From Crisis to Crisis?"

We disagree strongly with Rowen's conclusions. We refer only to the Social Security program (Old-Age, Survivors and Disability Insurance—OASDI) and not to the Hospital Insurance portion of the Medicare program. The National Commission on Social Security Reform recognized, and we agree, that under present law Hospital Insurance has a serious financing problem some five or more years from now. It was not the assignment of the national commission to deal with this problem, but rather with the more immediate problem of the Social Security program.

Rowen claims that eventually Social Security and other entitlement programs will require further changes for two reasons: first, "to keep them financially healthy and, second, to help cut the dangerous federal deficits." We believe that it is highly probable that the Social Security system will be financially healthy over at least the next two decades. For the period 20 to 75 years after that for which estimates are traditionally made, we believe the estimates underlying the financing of the program are reasonable and even somewhat on the conservative side.

As to Rowen's point, the Social Security program, which will be part of the unified budget until 1992, will not be a cause of the deficit, but rather will be part of its solution. This is so because, under any reasonable assumptions, income to the self-financed OASDI trust funds will exceed outgo during the near-future years and for a couple of decades thereafter. It would not seem reasonable to further help reduce the general federal deficits by cuts in the Social Security program which, in itself, is in a state of positive fiscal balance.

The CED report leaves the implication (which Rowen latches on to) that, if economic conditions are only slightly worse than the intermediate assumptions, the system will be insolvent before the end of the 1980's. This is not correct, because the intermediate assumptions are, we believe, slightly on the pessimistic side (and currently economic conditions are more favorable). Moreover, even under the pessimistic assumptions, the financing of the system will be reasonably adequate in the 1980s, and it would take much more than "a small unfavorable wiggle in basic trends" to produce a financial crisis.

This is not to say that there is no possible scenario that would cause the Social Security system to have short-term financing problems. What it would take is something like double-digit unemployment, with wages rising no more rapidly than prices. This we believe to be very improbable.

Even under the pessimistic assumptions of the 1983 Trustees Report, the OASDI trust funds would have a balance of at least two months' outgo at all times in the 1980s, while under the intermediate assumptions this ratio would, desirably, build up and would amount to about five months' outgo at the beginning of 1990, and increase rapidly thereafter.

We see no reason to make changes in the benefit structure in order to provide an even wider margin of safety than now exists.●

WOMEN'S HISTORY WEEK

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1984

● Mr. SISISKY. Mr. Speaker, it is a pleasure to participate in the special order honoring the achievements of American women, arranged by my colleague, Representative BOXER of California.

It is a special honor to recognize the contributions of women from the State of Virginia. Virginia is a State rich in history. That makes it even more unfortunate that the historical record for our State has failed to recognize the achievements of many Virginian women.

Virginia is now actively seeking to give these unsung women a permanent place among memorable Virginians. The Virginia Woman's Cultural History Project was initiated by Lynda Johnson Robb and launched by a grant from the Virginia Foundation for the Humanities and Public Policy. The nonpartisan board of women directors represent academic, cultural, business, and political fields. This project will research the contributions Virginia women have made to their State and country over the last 3½ centuries. An exhibition and related programs will present their findings to the public.

I bring this important project to the attention of my colleagues so that they will encourage their own States to make similar efforts to celebrate and honor the women important to their histories. For this reason, I now include an explanation of the project's current focus, expertly prepared by its professional staff. I commend it to you.

VIRGINIA WOMEN: A CULTURAL HERITAGE

From the legendary Indian Princess Pocahontas, to the anonymous Rosie the Riveter who worked in the shipyards during the World War II, Virginia's women have had a rich, if yet largely unwritten, history. In the more than 350 years since the state was founded as an English colony whose name commemorated Elizabeth, the Virgin Queen, women have made vital contributions to the development of the Commonwealth.

In November, 1984, in recognition of the importance of women's roles and experiences, a cultural materials exhibition with the working title "Virginia Women: A Cultural Heritage" will open at the Virginia Museum of Fine Arts in Richmond. This exhibition, the traveling exhibitions, panel exhibition, and related ancillary programs are organized under the aegis of the Virginia Women's Cultural History Project.

Approximately 300 objects drawn from the collections of museums, historical societies, libraries and individuals will form the nucleus of "Virginia Women." The majority of the exhibition's content will be on public display for the first time and will include paintings, watercolors, prints and engravings, decorative arts, textiles and costumes, rare books, newspapers, manuscript materials and printed documents, daguerreotypes and everyday implements of household and nondomestic labors. Every object in the exhibition will have an established Virginia provenance and will be accompanied by an interpretive caption. Excerpts from women's journals and writings, and supplementary graphic material will complement the exhibition's contents.

The exhibition will be arranged chronologically, tracing the history of Virginia women from the Native Americans who inhabited the land when the first settlers arrived, to the mid-twentieth century. In every period, daring individuals have shaped the course of events, and these women will of course be highlighted in the exhibition. But at the same time, the exhibition and catalogue will deal as much with daily life as with extraordinary achievement. Among the most important contributions of women to Virginia have been the daily tasks that support life: childrearing, midwifery, raising livestock and crops, cooking, nursing the sick, making clothing. Nothing could be more important, yet these are not usually thought of as being historically significant. By concentrating on topics that cover the full range of women's experience—family, friendship, health, dress, work (inside the home and out, paid and unpaid), artistry, and wartime roles, as well as public and political roles—we hope to dignify the common woman's contribution to Virginia's development. At the same time we hope to broaden the popular perception of what matters in history.

The first section of the exhibition on 17th-century Virginia will explore how women's experiences in three cultures—Native American, English and West African—differed and how they were similar. This section will include, for example, a Rappahanock basket used for shelling corn; a silver badge presented to the "Queene of the Pamunkey" on behalf of Charles II; and an engraving of the famous Pocahontas among other objects. The diversity of the lives of English women in the new colony are reflected by an earthenware cooking pot, a prenuptual marriage contract, a portrait of Sarah Harrison Blair and other objects, paintings, and documents. An engraving, "Slave Traders Capturing West African Villages," illustrates that the first blacks were brought to Virginia by force.

The lives of 18th-century Virginia white women contrasts sharply with their earlier counterparts. With the firm establishment of the colony, there was for some the added luxury of leisure time. The exhibition will reflect the rise of this new gentility with such objects as a late 18th-century coral necklace with a miniature portrait of Alice Blackburn, a leather and silver "necessaire" holding ladies' tools, a whalebone corselet worn tightly laced, and a silk wedding dress. The bounty of leisure time activities will be demonstrated by an elaborate needlework coverlet, a portrait of Lucy Randoph Burwell holding a guitar, as well as other objects and pictures. On the other hand, "An Overseer Doing His Duty," a watercolor by Benjamin Latrobe, reminds the viewer of the harshness characterizing the lives of

black slave women in early Virginia. The economic activities of free black women will also be included.

The history of 19th-century Virginia is divided by the Civil War. The variety of women's experiences in antebellum Virginia will be illustrated by such diverse objects as a mourning brooch for Dorothea Spotswood Dandridge, mother of eleven; a tintype of Charlotte Moon, a Baptist missionary to China; an Empire dress worn by Nancy Lee Marshall of Charlottesville; a utilitarian Pamunkey gourd container and a set of slave reading cards. The issue surrounding the advent of the Civil War are depicted by a painting of the slave market in Richmond; the memoirs of Mrs. Anne R. Page of Clarke County who freed her slaves; and a sketch of Southern women making clothes for soldiers. There will also be photographs of such daring heroines as "Molly" Tynes and Belle Boyd. Women's activities during the devastating aftermath of the war will be reflected in examples such as a wood engraving entitled "Memorial Day in the South: Decorating the Graves at Hollywood Cemetary."

As Virginia moved into the 20th-century, the professional woman emerged. Artist Sallie Mahood's paintings; a portrait of educator Mary Cooke Branch Mumford; a female basketball team uniform; likenesses and works of the writers Willa Cather, Ellen Glasgow, Amelie Rives Troubetzkoy; artists Grandma Moses, Harriet French Turner and entertainers Sarah and Maybelle Carter will all be included. There will also be objects, photographs, and pictures tracing the history of the suffrage movement, wartime work in Virginia, educational and labor reform, cultural and economic life.●

OFFICER DAVID L. FERGUSON HONORED

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. LONG of Maryland. Mr. Speaker, today it is my honor to award a congressional commendation to a very special constituent from the Reistertown area of Baltimore County, Officer David L. Ferguson. A 13-year veteran of the Howard County Police Department, Officer Ferguson is well known for the excellent service and protection he provides the community. As one Baltimore County resident recently wrote me, "Officer Ferguson is always around when there is trouble to settle."

Officer Ferguson lived up to this reputation recently by one particular demonstration of quick thinking and bravery. He was instrumental in the speedy recovery of funds stolen from the Commercial & Farmers Bank in Howard County. The actual robbery took place on a weekday morning at 11:09 a.m., when a lone individual with a sawed-off shotgun walked into the Commercial & Farmers Bank, committed the robbery, and made a successful escape.

Officer Ferguson, a considerable distance from the scene of the crime, spotted a car matching the description of the suspect's vehicle. Whereas some law enforcement officers lacking Ferguson's vision might well have dismissed the sighting, given the distance of the car from the scene of the robbery, David Ferguson was willing to follow the lead at hand. By 11:20 a.m.—only 11 minutes after the actual robbery was committed—Officer Ferguson had singlehandedly apprehended the suspect and recovered the stolen money.

As a result of Officer Ferguson's quick thinking and courage, the entire community has benefited. Besides the apprehension of a dangerous criminal and recovery of stolen funds, the officer garnered one other measure of community consideration: the Commercial & Farmers Bank donated $500 to the Howard County Police Department's Camp Beartrax for boys and girls, and made the donation in Officer Ferguson's name.

I am extremely proud to have such an outstanding and courageous individual living in my district. I congratulate him on his many years of fine policework and wish him and his wife, Katherine, many more years of continued happiness.●

THE REAL BUDGET BUSTERS

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. McEWEN. Mr. Speaker, an article in this week's Farm Bureau News accurately describes our Nation's budget process and correctly lays the blame for today's enormous Federal deficits at the feet of the U.S. Congress.

Despite the rhetoric and political name-calling, there are still people in this country who understand the budget process and know how ridiculous it is to blame this or any other administration for budget deficits. The President of the United States cannot spend one dime; cannot buy a pencil; unless the Congress first authorizes and then appropriates the funds.

In case some of us have forgotten just how the budget process works in this country, I would like to have this article reprinted in the RECORD.

[From the Farm Bureau News, Mar. 12, 1984]

WHO ARE THE REAL "BUDGET BUSTERS"?

(By Ronald J. Herr)

Ever since President Reagan presented his fiscal 1985 federal budget proposal, the media and numerous politicians have been agonizing over the size of the federal budget deficits, while pointing fingers at the president.

The media has presented brightly colored charts showing past and future deficits each identified with the administration then in power. House Speaker Tip O'Neill proclaimed that "the president has retained his title as the country's biggest budget buster." One would think that presidents create deficits.

It is time for a few facts. First, the president's 1985 budget is a proposal, and nothing more. It cannot commit any monies to be spent. It cannot collect any revenues. It is a suggestion to Congress. The Constitution provides that Congress, and only Congress, can raise revenues and appropriate federal money. An administration can tax and spend only what the Congress permits it to tax and spend. The president cannot spend more than Congress appropriates, nor can he spend less. (The Impoundment Control Act of 1973 limits the president's ability to not spend the money Congress says must be spent.) When the president proposes to cancel some funding, Congress must pass a bill rescinding the funds within 45 days. If Congress fails to act during this period, the president is required to make the funds available for spending.

The Office Management and Budget prepares the president's budget proposal, but Congress also goes through its own budget-writing process. Its budgets are called "budget resolutions." Congress has its own special staffs and committees, including the Congressional Budget Office, to assist in this important task.

How well has Congress done at budgeting and then controlling its budget? Let us look at the budget record over the last eight years—that's four years of Republican presidents and four years of a Democratic president. Revenue projections are always a mix of tax proposals and economic forecasts—hard to predict and hard to control. However, spending can be controlled, if Congress has the will. The chart at the bottom tells the tale.

Of the past eight years, the congressional budget resolution was less than the presidents' proposal only two times (1979 and 1982). Congress, during that period, actually spent less than the president's proposals in just those two years. And during those eight years, Congress actually spent less than its own budget resolutions only twice, in 1977 and 1978.

What is the net result of these broken promises? What if Congress had limited actual spending to its own resolutions? The eight-year, cumulative deficit and the federal debt would be $120.8 billion less. That means that the interest payment on the debt could have been $8.5–10.5 billion less than projected for fiscal 1985.

What if Congress had limited spending to the presidents' original budget proposals? The eight-year cumulative deficit would have been $144.9 billion smaller, resulting in savings of $10–13 billion in interest payments for the 1985 budget. Notice that in six of the past eight years, the presidents' proposals called for less spending than the congressional resolutions and less spending than actually occurred.

The congressional budgeting and spending record is no surprise. Congress has been unable to finish its annual budget and appropriations process on time each year and usually leaves much spending for continuing resolutions. In addition, almost half the total budget authority requires no annual legislative action. Over three-quarters of the budget is uncontrollable under existing laws. Congress has the power to change entitlement laws and permanent appropriations. Congress could take control of the budget. It has not.

We have seen the president's fiscal 1985 budget. We haven't seen Congress' budget. If the congressional budget is true to form, it will be even bigger than the president's.

Who are the country's biggest budget busters? The same politicians who have both the budget power and the budget responsibility: the senators and representatives sitting in the Congress of the United States.

ON-BUDGET FEDERAL SPENDING

[In billions of dollars]

	President's budget	Congress budget	Actual spending
Fiscal year:			
1977	[1] $394.2	$413.1	$400.5
1978	[1] 440.0	458.3	448.4
1979	[2] 500.2	487.5	491.0
1980	[2] 531.6	547.6	576.7
1981	[2] 615.8	632.4	657.2
1982	[2] 739.3	695.5	728.4
1983	[3] 757.6	769.8	796.0
1984	[3] 848.5	849.5	853.8
1985	[3] 925.5	(?)	(?)

[1] Ford.
[2] Carter.
[3] Reagan.●

CONGRESSIONAL SALUTE TO THE HONORABLE MARK A. GROSSBARD OF WAYNE AND PASSAIC, N.J., DISTINGUISHED CITIZEN, COMMUNITY LEADER AND GREAT AMERICAN

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. ROE. Mr. Speaker, on Friday, March 16, the residents of my hometown of Wayne, city of Passaic, county of Passaic, Eighth Congressional District and State of New Jersey will join together in testimony to an outstanding community leader, distinguished citizen and good friend, the Honorable Mark A. Grossbard of Wayne and Passaic, N.J., whose standards of excellence and leadership endeavors—always giving willingly and unselfishly of his time in helping others—will be cited by the Passaic Heart Foundation as the guest of honor at their annual friendship testimonial dinner—the highest award that the Passaic Heart Foundation can bestow upon any of their members.

Mr Speaker, I know that you and our colleagues here in the Congress will want to join with me in extending our warmest greetings and felicitations to Mark Grossbard and share the pride of his good wife Susan and their children, Tara and Jodi, in applauding this milestone of achievement in his most illustrious and rewarding lifetime of fulfillment and purpose.

Mark was born in New York City and attended Brooklyn Technical High School, Queens College, and Rutgers, the State University in Newark, N.J. He is a member of the Society of Certified Insurance Counselors and the Committee of Continuing Education of Professional Insurance Agents. Although he and his family reside in Wayne, Mark, the principal of Insurance World, Inc., has maintained his office in Passaic since 1968. He is known throughout the city of Passaic for his participation and accomplishments in many highly esteemed organizations.

His charitable and benevolent activities span the needs and concerns of all of our people—young and adults alike—and we are especially proud of his generous and strong efforts on behalf of God's special children who are physically handicapped.

Mark is a member of the Lions Club and is a past president of the Passaic Jaycees, past member of the Get-Up Committee of the city of Passaic, a member of the Passaic Lodge, Knights of Pythias and Past Grand I.O.O.F. In addition to his active participation in these organizations, his current affiliations include membership on the board of Camp Essex, a summer camp for severely disturbed children; president of the Child Development Center Foundation; member of the board of State Special Olympics, as well as business liaison of the Passaic County Special Olympics—all dedicated to aiding and assisting countless numbers of handicapped and retarded children.

Mr. Speaker, it is indeed appropriate that we reflect on the deeds and achievements of our people who have contributed to the American way of life and the American dream. As we gather together in honoring Mark A. Grossbard for his dedication to the Passaic Heart Foundation in grateful appreciation for his steadfast friendship, encouragement and support in furthering its growth and development, I respectfully seek this national recognition of Mark and all of his good works. We do indeed salute a highly compassionate individual, good friend, and great American—the Honorable Mark A. Grossbard—for his exemplary contribution to the quality of life for the people of our community, State, and Nation.●

OLYMPIC CHECKOFF ACT APPROVED BY JUDICIARY SUBCOMMITTEE ON ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. FIELDS. Mr. Speaker, on Thursday, March 8, the House Judiciary Subcommittee on Administrative Law and Governmental Relations conducted a hearing and a markup on H.R. 1984, the Olympic Checkoff Act.

During the public hearing on H.R. 1984, I had the pleasure of testifying with our distinguished colleague Congressman CHARLES RANGEL, who, along with Congressman GUY VANDER JAGT, is a coauthor of this legislation. In addition, to our supportive remarks, the subcommittee heard testimony from Col. F. Don Miller, the executive director of the U.S. Olympic Committee and four of our Olympic athletes. These outstanding athletes includes Edwin Moses who is the 1983 recipient of the Sullivan Award and probably the greatest 400-meter hurdler in history; Bill Koch who was a member of our 1984 winter Olympic team and silver medal winner in cross country skiing in 1976; three-time gold medal winner in swimming, Melissa Belote Hamlin and Frank Masley who was our 1984 Olympic team flag bearer and member of our luge team.

Mr. Speaker, these remarkable athletes described for the subcommittee their own personal Olympic experiences and enthusiastically urged the early passage of H.R. 1984 as a means to solve the long-term financing needs of amateur athletics in this country.

Following this hearing, the Administrative Law Subcommittee, which is so ably chaired by my good friend and colleague Congressman SAM B. HALL of Texas, marked up and approved H.R. 1984. While this legislation was approved by voice vote, I would, nevertheless, like to express my special thanks to Chairman HALL and Congressmen BERMAN, BOUCHER, MCCOLLUM, and SHAW. With their support, the Olympic Checkoff Act has now taken its first important step toward enactment hopefully this year.

For the benefit of my colleagues, I am submitting for the RECORD a copy of my remarks to the Administrative Law Subcommittee.

The text of these remarks follows:

OLYMPIC CHECKOFF ACT: AS GOOD AS GOLD

(By Hon. Jack Fields, Mar. 8, 1984)

Mr. Chairman, thank you for scheduling this hearing on the Olympic Checkoff Act.

While H.R. 1984 is a relatively simple bill, if enacted, it will have a very dramatic and positive long-term effect on amateur athletics in this country.

Just three weeks ago, millions of Americans watched as our Olympic team participated in the 14th Olympic Winter Games in Sarajevo. What those athletes accomplished was remarkable, particularly in light of the fact that they went to those games with one hand tied behind their backs as a result of a lack of sufficient training funds and adequate facilities.

Let me share with you several examples which highlight these two problems.

In the Olympic Winter Games four years ago, the United States won eight medals in speed skating. Yet, earlier this year, Dr. Mike Woods, a member of our Olympic team, had to skate 19 consecutive hours to raise money to keep open the speed skating facility in West Allis, Wisconsin. That facility is only one of two such speed skating facilities in the entire United States. When you realize that countries like Finland and Norway each have eight or nine speed skat-

ing rinks, you wonder how we ever successfully competed in this event.

A second event in which our athletes were handicapped by inferior facilities and equipment was in bobsledding. When it became apparent that our 1950 vintage bobsled had made its last journey, a private U.S. citizen came forward in Sarajevo and donated money that our bobsled team used to buy an extra sled from Switzerland.

Despite the fact our bobsled team managed only two training runs, during one of which they crashed, they were fifth overall in this event—which is the highest U.S. finish in many years.

In addition to speed skating and bobsledding, there is a genuine lack of adequate facilities in other sports, including the luge, ski jumping, the pentathlon, and cycling.

Facilities alone, however, will not solve the multiple problems facing the United States Olympic Committee. While thousands of Americans have enthusiastically donated to the U.S.O.C., regrettably their contributions have not kept pace with the rapidly escalating cost of training. For example, the cost of training a competitive swimmer may total $3,000 a year, an individual gymnast, almost $10,000 a year, and a world class figure skater as much as $20,000 a year.

Because of these ever-increasing costs, many potential Olympians are given three difficult options: to undergo and make do with inferior, but affordable, training; to spend their own and their families' money for their training; or to quit sports entirely and watch the Olympics on television from their homes.

Not one of these alternatives is acceptable to me, to you, Mr. Chairman, or, I believe, to most Americans.

In 1981, gold medal winner Scott Hamilton quit figure skating because his training costs had exhausted his families' savings. Had it not been for the generosity of a private benefactor, the world would never have known, or been able to appreciate, the tremendous talents of this young man. Frankly, I believe we must all ask ourselves how many other Scott Hamiltons were watching not participating in, this year's Olympic Winter Games because they lacked the finances to participate.

Our nation's athletes are the only athletes in the world who do not receive governmental financial support. While they do not seek direct federal appropriations, they do ask that the American people have additional opportunities, opportunities which H.R. 1984 makes available to them, to contribute to the U.S.O.C.

Since 1978, the United States Olympic Committee has been the coordinating body for all amateur sports in this nation. While I have spent the majority of time talking about Olympic athletes, you should know that only five percent of the U.S.O.C.'s 1981-1984, $80 million budget is used to send our nation's teams to the Pan American and Olympic Games. The remaining funds are used to develop potential Olympians and for amateur athletics generally. Programs to which the U.S.O.C. allocates funds include: the National Training Centers in Colorado Springs and Lake Placid; development grants to the National Sports Governing Bodies; a sport medicine program; the National Sports Festival and programs to assist the handicapped to develop their athletic skills.

It is clear, then, that the United States Olympic Committee is committed to reaching athletic performers of all ages and abilities, consistent with the Amateur Sports Act of 1978. But in order to fulfill the multiple objectives of its charge, the U.S.O.C. needs the funds that H.R. 1984 would provide.

While this bill will help Olympians like Edwin Moses, Mary Decker, and Carl Lewis its larger purpose is to assist those thousands of young aspiring athletes in towns and cities throughout this country, like Marshall, Texas; Louisville, Kentucky; Newton, Massachusetts; Brooklyn, New York; Studio City, California; Hamilton, Ohio, and Altamonte Springs and Fort Lauderdale, Florida, who dedicate their lives to the pursuit of competitive athletic excellence.

In my life, I have personally witnessed the many positive benefits of athletics and how amateur sports can mold and shape outstanding citizens of our country.

The Bill Johnson story is a classic example of a troubled young man who, when faced at the crossroads of life, choose to dedicate himself to athletic excellence and not some less worthy pursuit.

H.R. 1984 is a bill which will solve the long-term financing problems facing the U.S.O.C. by allowing the American people to contribute, at no cost to the federal government, $1 or more to the U.S.O.C. How? By simply checking off a box on their 1040 Federal income tax forms.

This bill has been co-sponsored by 262 members of the House and 59 members of the Senate. More importantly, it is overwhelmingly supported by the American people. In a recent poll conducted by USA-Today, 70 percent of the American public said they supported the Olympic Checkoff Act.

As you know, Mr. Chairman, the U.S. Treasury Department has expressed some reservations about this bill, fearing that other charities may seek similar treatment.

But this is a narrow and unfounded concern. The U.S.O.C. is not just another charity, Mr. Chairman. The U.S.O.C. is the only charitable organization which is charged with certain responsibilities by the Congress through the Amateur Sports Act which has not been given the money to carry out its mandated goals.

Secondly, the U.S.O.C. is a unique charity. When our Olympic athletes participate in international competition, they represent you, and me, and all Americans. We share with them the joy of their successes and the sorrow of their failures.

In addition, what other charity in America has ever been used as an instrument of our foreign policy, as the U.S.O.C. was in 1980 when we boycotted the summer games in Moscow?

Finally, the U.S.O.C. is probably the only major charity in the United States which does not already receive direct governmental support. On a regular basis, Congress appropriates money for such organizations as the National Institutes of Health, the National Endowment for the Arts and Humanities, the Public Broadcasting Service and the National Science Foundation.

As I stated earlier, the U.S.O.C. is not seeking direct appropriations, simply the opportunity to utilize the tax form as a mechanism, or a conduit, to raise desperately needed funds.

And, how much money could H.R. 1984 raise? Based on data provided by the I.R.S. we know that the American people have checked off $154.9 million on their Federal tax forms to the presidential campaign fund during the last four years. In 1981, 95 million Americans filed 1040 tax returns, and 74 percent of them—70 million Americans—were entitled to a refund.

I'm convinced that a majority of these Americans would be thrilled to have the opportunity to contribute $1 or $2 to the dedicated young men and women who represent us in international athletic competition. This Olympic checkoff system is a painless and efficient way for every American to demonstrate his or her support for amateur athletics, and for the many positive benefits it brings to America's youth.

I believe we owe our nation's amateur athletes the opportunity to first-class training and first-class facilities. While international competition is reached only by a gifted few, amateur sports can enrich the lives of all who participate.

As Baron Pierre de Courbertin, the founder of the modern Olympics once said, "The most important thing in not to win but to take part, just as the most important thing in life is not the triumph but the struggle." H.R. 1984 offers America's amateur athletes the chance to participate in this noble struggle.

Mr. Chairman, again, I want to express my appreciation for your leadership in scheduling this hearing. I am hopeful that together, we can succeed in passing this essential piece of legislation.

H.R. 1984 is as good as gold!●

THE UNITED STATES AND THE UNITED NATIONS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. GOODLING. Mr. Speaker, today's New York Times carries an article drawing attention to Ambassador Jeane Kirkpatrick's recent report to Congress on voting procedures in the United Nations. I submit that article to be reprinted in the CONGRESSIONAL RECORD for any of my colleagues who may have missed it. I think that both the New York Times article and the report it is about should be read by all Members of Congress.

The article follows:

[From the New York Times, Mar. 14, 1984]

REPORT SAYS UNITED STATES IS OFTEN IN U.N.'S MINORITY

(By Richard Bernstein)

UNITED NATIONS, N.Y., March 13.—The vast majority of United Nations member nations last year voted against the United States five times more frequently than they voted with it, according to an American study of voting patterns distributed here today.

The study, which was compiled by the United States Mission, says the United States continues to be commonly outvoted in the United Nations, a pattern that has endured for nearly two decades of both Republican and democratic administrations, said the United States chief delegate, Jeane J. Kirkpatrick.

In the General Assembly that ended last December, the overall degree of support shown by all countries was 25.5 percent, according to the report. Only the Western European countries as a group and Israel voted more than half the time on the same side as

the United States, with the Israeli record showing a 93.3 percent concurrence with American positions, the highest of any country. The figure for West Europe is 53.8 percent, ranging from 84.2 percent for Britain to 21.6 percent for Malta.

The 50 African countries voted with the United States 18.6 percent of the time, according to the study. The 34 countries in the Americas supported the United States 26.8 percent of the time and Asia and the Pacific, with 41 countries, voted on the same side as the United States 21.5 percent of the time.

The report said that among the countries professing nonalignment, support for the Soviet Union's positions was about 80 percent, compared with 20 percent for the United States.

The 159-page report was an outcome of legislation passed last year requiring the Secretary of State to submit to Congress information "showing the degreee of support" for American views by each country in the United Nations. Its distribution to the press seemed to underscore the Reagan Administration's declared policy of taking a country's United Nations voting record into consideration in assessing how much foreign aid to give it.

The report does not take into account decisions taken by consensus. In all, 10 of 20 Security Council resolutions and 183 of 331 General Assembly resolutions were adopted without a vote, according to the report.

The report lists 10 "key issues" that were considered by the United States Mission to involve what Mrs. Kirkpatrick called the most fundamental values or interests of the United States. The report says the United States was outvoted on 6 of the 10 key issues.

Among those where the United States voted with a majority was the defeat of a challenge to Israel's credentials and condemnations of the Soviet involvement in Afghanistan and the Vietnamese involvement in Cambodia.

The issues lost by the United States included two votes on the American invasion of Grenada, criticism of human rights violations in El Salvador and three resolutions that criticized the United States for its policies regarding Israel and South Africa.

The report says the United States was the only major country singled out for criticism by name during the last session of the General Assembly. The report says that despite the Soviet occupation of Afghanistan and its shooting down of a Korean Airlines plane last year, no United Nations resolution mentioned the country by name. The same, the report goes on, is true of North Korea, "whose bombs murdered South Korea's ministers in Rangoon" and of Libya, "which invaded Chad and promotes worldwide terrorism."

During her news conference this morning, Mrs. Kirkpatrick rejected the idea that the failure of the United States to gain support in the United Nations was the result of specific policies of the Reagan Administration.

"I can assure you that the pattern of what might be called the United States in the minority has persisted now for about two decades," she said. Mrs. Kirkpatrick said in 1977, during the Carter Administration, the overall support for American positions in the world body was 14.4 percent, or roughly 11 percentage points less than it was last year.●

AL LOWENSTEIN'S IDEAS

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. DOWNEY of New York. Mr. Speaker, there is a lot of talk about new ideas. But today on the fourth anniversary of Allard Lowenstein's death, some old ideas deserve restatement. Chief among them are social justice, civil rights, and political reform.

Al Lowenstein was a great communicator both here in Washington and in larger forums of debate, but he was also a great thinker, and his speeches endure as perfect examples of reasoned persuasion.

What follows is one of his best, presented in 1956 before the annual convention of the National Student Association. It is vintage Lowenstein.

I offer it as a tribute to a man who, though not pretty or well-packaged, motivated thousands of young people to get out of their chairs and make a difference. I offer it also as a reminder to us that some old ideas are still potent motivators.

ACTS OF COURAGE AND BELIEF

(By Al Lowenstein)

We are the privileged and antiseptic generation. We move in the backwater of great events, well clothed, well housed, and well fed. Struggle is not our hallmark and greatness is not our necessity. We are becoming lazy on the victorious sacrifices of our older brothers and on the nonfulfillment of gloomy prophecies.

Somewhere where we are not, destinies are upended and centuries disturbed, but in our pleasant world opportunity knocks again and again, and it is the merest shadows that somehow the great things are no longer ours to do something about. When immensity spawns futility, the petty and the fleeting become the ultimate, and the rest recedes into mystery and irrelevancy. We are a people whose national energies and imagination flourish in crisis, and we rejoice now that crises are past and life demands less national virtue than it used to.

Of course there are still those who forebode about disaster, but vacations are longer, diseases fewer, and suburbs multiply. And how to warn of dragons and not speak negatively, in a time when everyone knows the need for positive thinking? So a few warners and mourners prattle about Asians and atoms from their convertibles, but their timing is out of joint. And most of them come to relax too, because the prettier wives who are, with less effort, producing healthier children and more nutritious meals, marry unaware of or undaunted by epic premonitions. If destiny wishes to rendezvous with this generation, she will first have to find us.

And how soon we may know the folly of playing hide-and-seek with the fates. How short-lived this luxury of indolent unconcern may be, and how grim its cost, if one generation's evasions are to be its children's doom.

For moderation warped into negation today is patience exhausted into violence tomorrow. Opportunity frittered into languor in youth is usefulness mired into mediocrity later on. Courage watered into convenience in school is conscience undecipherable under expediency afterward. Prosperity lapsed into arrogance abroad is admiration glided into envy and then embittered into resentment everywhere. And thought smothered by comfort collectively is opportunity frittered, courage watered, moderation warped, and souls unstirred. Thus greatness flabs into fatness and vision fades into hindsight. Even if God spares civilizations after such undoing. He does not restore to individuals the years when challenge and nobility grizzled into stupor and waddled toward waste.

The undemanding bravery of war generations and the stoic unrest of depression generations came to people like ourselves. But new occasions teach new virtues. And now less strikingly, more patiently, and more urgently, we shall have to energize and discipline ourselves that these times of national calm become funds of growing individual strength, and the quietudes of transient respites are not invitations to final calamity.

It is time long since that helpfulness galvanized and kindness liberated became symbols of our unparralleled and unearned great national luck; that energies more than ever were turned to the intangibles of building worth in the vast, if illusory, security so gratuitously provided by our abundance; that generous impulses and high instinct were nourished by a society arrived at unimaginable technological achievement.

Wise and good men have long thought that if humanity ever came to be as well off as humanity has come to be in our here and now, the human grandness which privation can prevent would assert itself triumphant as the golden rule in the golden age. The dreams and hopes which sustained our harried ancestors through centuries of misery, now at last at hand, in anguish ask honor to the great ideas revealed or evolved during the upward struggle of man from the trees and caves.

The irony of God's wisdom has made present imperatives of ancient ethics. For in the quality of our brotherhood and in the scope and depth of our willingness to give and to learn from giving lie the key to the nature of the future. Can we deserve to survive if indifference palsies grandness into pettiness and national success, measured materially, blinds us to troublous fact outside our borders and inures us to bypassed humanity outside our circles? In the strange new war for men's allegiances, limited violence threatens an aggressor with wider damage elsewhere, however his armies do. And unleashed violence threatens aggressor and victim alike with obliteration.

So new weapons take priority, and the Lord in His goodness has given us the material to win, if we but grasp the stakes and rouse the will. In our wealth we have the wherewithal to be more nearly generous; in our content we have the incentive to awake in ourselves our finest; in our democratic concept we have the vehicle best suited to carry men's chiefest hopes. It is almost as if we are dared to selfishness in our well-being, so we may know finally that all the vast material gifts cannot by themselves preserve themselves or their masters.

Survival may ever be in balance and survival of freedom will long be in doubt. But we cannot but have the faith of men who know the love of the Lord for His creatures that if we seek to do right contagiously He will help us to see realized the gentler crisper world men could inherit.●

NORTHERN IRELAND: HEALING THE WOUNDS

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. GEJDENSON. Mr. Speaker, I rise today to bring to the attention of my colleagues an article, written by two University of Connecticut professors, Raymond J. Raymond and Robert L. Phillips, that appeared in the Hartford Courant. In this piece, the authors outline a number of proposals which they feel could defuse the situation in Northern Ireland. While the views expressed in this article do not necessarily mirror my own, I am encouraged by the thoughtful and constructive approach taken by these two professors. It is this type of positive, political and nonviolent effort that will lead to a peaceful and lasting solution to the current stalemate in Northern Ireland.

The article follows:

THERE'S A WAY TO HEAL THE WOUNDS IN NORTHERN IRELAND

(By Robert L. Phillips and Raymond J. Raymond)[1]

In a world seemingly inured to terrorism, the explosion of a car bomb in front of Harrod's Department Store in London caused profound shock and disgust. There was much discussion of the psychology of the terrorists: How could anyone do such a thing at such a time? While such indignation is natural and justified, we must try and place this latest outrage in its proper perspective.

It was the work of the Provisional Irish Republican Army, the most effective and ruthless terrorist organization in Europe. The IRA has its mirror image in the Ulster Volunteer Force and other Protestant terrorist organizations. Together they have kept Northern Ireland in a state of urban guerrilla warfare since 1969.

The problem has its roots deep in British and Irish history, but most recently in the 1922 Anglo-Irish Treaty, which created a Protestant enclave in Northern Ireland. The Protestant majority subjected the Catholic minority in the province to discrimination in jobs, housing and voting rights. The inability of the British government to guarantee equal rights to Catholics in these areas led in 1969 to a civil rights movement which then degenerated into violence.

Although discrimination in these areas was virtually eliminated, the worldwide recession of the 1970s hit Northern Ireland particularly hard, causing massive unemployment. Here the IRA found a target of opportunity, which it has exploited since.

At the end of 1983, all parties to the conflict are set in concrete. Protestants and Catholics face each other with fear and mistrust. The British government appears to be without a long-range policy, and the government of the Irish Republic in Dublin, laboring under the crushing costs of maintaining security against the IRA, is in mortal fear that the violence in the North will spill over into the South.

Two points appear to us to emerge with absolute clarity. If traditional political structures could solve the problem of Northern Ireland, it would have been solved long ago. If extremism could solve the problem of Northern Ireland, it would have been solved long ago.

We propose a radical departure from both of the above approaches. Our proposal has been published as a study document entitled, "Northern Ireland: Preconditions for Negotiations," and distributed to U.S., British and Irish government officials.

We begin with the hard fact that, however they came to be there, the 2½ million Protestants will not be bombed out of Northern Ireland and, therefore, a way must be found for all parties to live together peacefully. The British Isles as a whole form a natural geopolitical entity with a common language and common economic interests which must be seen to transcend nationalist perspectives.

We propose creation of a two-level assembly consisting of delegates from all the constitutional parties in Britain, the Republic and Northern Ireland. The second level will consist of distinguished civil servants and academics from Britain and Ireland.

The assembly will seek to find ways of achieving closer political and economic cooperation between all parties to the dispute. One long-range goal of the assembly might be a Confederation of the British Isles, based upon the confederal parliament of Canada, which for 125 years has successfully maintained peace and religious-ethnic diversity in Canada.

We also envision an important role for the United States. Economic aid channeled through the International Monetary Fund and the World Bank could greatly help to remove the appeal of violence to the unemployed in Northern Ireland. A Marshall Plan for Ulster would be the best way for the United States to intervene in the crisis. The 30-million-strong Irish-American community can be very effective here in putting pressure on their political leaders to act in this area.

The British and Irish governments must act in concert to defeat those elements, Catholic and Protestant, which find solutions in violence. In particular, we urge Britain to play a stronger role in Northern Ireland. A precipitate withdrawal of British forces at this time would exacerbate the violence, not end it. Ironically, Britain must act to preserve the status quo before change can occur.

Ireland stands on the brink of civil war. This is not simply a local crisis. A civil war in NATO's back yard would inevitably create massive security problems and present a clear target of opportunity for the Soviet Union. In a prolonged struggle, the Republic of Ireland might well be destroyed. The United States could not stand idly by and would certainly be drawn in militarily, with all that entails for American-British relations.

Radical rethinking by all parties is imperative if we are to avoid the abyss of self-destructive myths.●

[1] Robert L. Phillips is director of the Program for the Study of Ethical Issues in Peace and War and Raymond J. Raymond is a professor of British and Irish history at the University of Connecticut.

INTRODUCTION OF GSP REVISION ACT OF 1984

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. PEASE. Mr. Speaker, next January, the U.S. generalized system of preferences (GSP) will expire. The debate over whether to reauthorize the GSP program presents an important legislative opportunity to consider new approaches in our trade policy to foster genuine development in lesser developed countries (LDC's), to promote respect for international human rights, and to redress the legitimate concerns of American workers and industries about unfair foreign competition.

To understand where we should go with the GSP program, we must remember its origin. It was at the first U.N. Conference on Trade and Development (UNCTAD) in 1964 that the leaders of the LDC's collectively pressed for meaningful action from the United States and other industrialized nations to facilitate the expansion of LDC exports in world trade. One by one in the 1970's, the developed countries, including the United States, established comparable systems of preferential tariff treatment for many LDC exports. Hence, the U.S. GSP program arose from an acknowledged need in the mid-1970's for our country to help LDC's overcome the inherent disadvantages confronting them in the international trading system. The rationale for the GSP program rests upon using tariff preferences to increase export opportunities, thereby stimulating employment, economic growth, and industrialization in LDC's. The export earnings of LDC's presumably allow them to make some payments on their international debt obligations and to import needed consumer and capital goods from the United States and other industrialized countries.

The GSP program is working to some degree: 114 countries and 26 territories currently have been designated by the President as eligible for GSP tariff reductions. More than 2,800 products are now eligible under the GSP program for duty-free entry into the United States from 1976 to 1982, the value of imports receiving GSP treatment rose from $3 billion to nearly $8.5 billion. Even though GSP imports amounted to less than 3 percent of all United States imports by 1982, they represented an increasingly important source of export earnings to many debt-ridden LDC's.

All of us can appreciate today the dramatic changes that have transformed world trade patterns since the mid-1970's. Our country is experienc-

ing enormous trade deficits. Imports continue to take jobs from a growing number of our constituents. Our smokestack industries are struggling toward an uncertain future.

Amidst the turbulence in international trade at this time, it is reasonable to pause and ask some basic questions about the program. Is the GSP program really still needed? Can we afford to extend it? Very different answers have already been expressed.

The Reagan administration has called for a 10-year extension of the GSP program. At the request of the White House, Senator JOHN DANFORTH introduced S. 1718 last August. That bill would increase the President's discretion to determine which countries and what products could receive GSP treatment. Equally important, the Reagan administration seeks to emphasize reciprocity in the GSP program, although it primarily has been a unilateral commitment on the part of the United States to assist LDC's. The emphasis in the President's bill is to condition GSP benefits on the willingness of LDC's to further open their markets to U.S. exports.

The President's bill has some shortcomings. Current law prescribes that one of the determining factors the President must consider in deciding whether to extend GSP benefits to any country is the extent to which such country has assured the United States it will provide equitable and reasonable access to the market and basic commodity resources of such country. One wonders what additional authority the President needs in order to effectively promote U.S. exports to LDC's seeking GSP beneficiary status. Furthermore, the President's bill does not provide a clearly understandable framework for dealing with the fact that the top 15 GSP countries in 1982 accounted for an astonishing 88 percent of GSP imports. Just three GSP countries, Taiwan, South Korea, and Hong Kong, accounted for almost half of all GSP imports in 1982. GSP primarily benefits only a handful of comparatively well-to-do LDC's and there is no systematic framework for dealing with this problem in the President's bill. As is customary with the Reagan administration's trade policy, there is nothing in the President's bill that recognizes the impact of a program like GSP upon American workers and small businesses. This disregard is to be expected from an administration that has consistently sought to abolish the trade adjustment assistance (TAA) program—the only Federal program specifically designed to help struggling small businesses and displayed cope with the rising tide of imports.

In contrast to the President's position, the AFL-CIO believes that the GSP program should not be extended at all. Several factors are cited to bolster this position. The U.S. merchandise trade deficit reached $69.4 billion in 1983—a staggering 63-percent increase from the deficit incurred in 1982. AFL-CIO spokesmen properly point out that GSP only benefits a small number of LDC's, many of which are fully capable of competing in international trade as evidenced by the fact that Taiwan, South Korea, and Hong Kong—the top three GSP beneficiary countries—enjoyed a trade surplus with the United States in excess of $10 billion in 1982. GSP imports are heavily concentrated in industrial sectors like mineral and metal products, machinery and equipment, and assorted manufactures. These industries are among our most endangered; they are already suffering high levels of unemployment that are traceable to imports and the worldwide recession. The badly skewed distribution of GSP benefits crowds out less-developed countries from GSP eligible product sales while contributing at the same time to further decline in U.S. industries and employment. The existing safeguards in the GSP program have proven woefully inadequate for protecting American workers in import-sensitive industries from unfair foreign competition.

I believe we should extend the GSP program. There is no doubt that the vast majority of LDC's still need every bit of help they can get to expand their exports. Many of these countries are teetering on the edge of bankruptcy without much prospect of taking the first step up the development ladder. Our country's economic standing in the world and our claim to moral leadership compel us to extend the GSP program. Failure to do so would have serious repercussions in our relations with the Third World. It would betray our hope for a better way of life for peoples less fortunate than we are.

Our economic self-interest also calls for GSP extension. Developing countries now buy nearly 40 percent of U.S. exports—more than the European Community and Japan combined. They are now the fastest growing markets for U.S. products, increasing at an average annual rate of 12.5 percent since 1976, as compared to the 9.6 percent growth recorded in our exports to traditional developed country markets.

A report issued last May by the U.S. International Trade Commission (ITC) helps to put in perspective the limited impact of the GSP program on American industries and workers. It found that GSP imports have averaged 0.5 percent or less of total U.S. consumption. For the seven major product sectors examined by the ITC, the largest GSP import penetration was 2.1 percent of total U.S. consumption. Only 12 of 650 commodity groups were found to have experienced a significant increase in import penetration as a result of GSP imports. In the limited instances in which GSP imports did contribute to increased import penetration, the ITC traced the increases primarily to the inclusion of new products eligible for GSP treatment, as opposed to a significant increase in actual imports of specific product.

But we should extend the GSP program only after major flaws in its current operation are corrected. First, the current maldistribution of GSP benefits among LDC's is intolerable. Listing the top 10 GSP beneficiary countries shows the degree to which the present program really serves only a handful of countries already well down the development road. The top 10 are Taiwan, South Korea, Hong Kong, Mexico, Brazil, Singapore, Israel, Argentina, Yugoslavia, and Thailand. More precisely, out of a total of $8.5 billion in GSP imports in 1982 Taiwan enjoyed $2.3 billion in duty-free GSP exports; South Korea enjoyed $1.1 billion in duty-free exports; and Hong Kong enjoyed $794 million in duty-free GSP exports. GSP benefits are of marginal help to the vast majority of LDC's at present.

Second, the GSP program now lacks any semblance of a development framework whereby a country can be graduated from GSP benefits as its economy grows and that country becomes a full-fledged competitor in the community of trading nations. From the outset, it has been presumed that the GSP program over time would contribute to LDC's becoming more proficient in trade and less dependent upon foreign aid. Without a graduation scheme that takes into account a continum of comparative economic development among nations, we have seen how the more well-to-do LDC's can corner most of the GSP benefits.

Third, the time has come for the concept of fair trade to be expanded to take into account respect for internationally recognized rights of workers. It is not enough to structure trade programs like GSP to promote some vague notion of development in LDC's. Consideration must be given in the Congress to who really benefits from preferential access to the U.S. market and whether broad-based economic development rather than exploitation of cheap labor is being encouraged in LDC's. The following excerpt from the 1980 Report of the Independent Commission on International Development Issues—the Brandt Commission—speaks to this point:

> Exports that result from working conditions which do not respect minimum social standards relevant to a given society are unfair to the workers directly involved, to workers of competing Third World exporting countries, and to workers of importing countries whose welfare is undermined. They are also unfair to business concerns and countries which encourage social progress. Just as developing countries con-

cern themselves with the industrial adjustments of other countries, so their own domestic industrial conditions will increasingly become a matter of international concern and review.

To date, the focus of our human rights laws has been almost exclusively on the sanctity of the individual and political rights. Economic and social rights are something we have embraced in principle through the Universal Declaration of Human Rights, but no really effective instruments have been developed yet to make them meaningul in relation to official U.S. foreign policy or to the conduct of American-based multinational corporations. A good place to start is promotion of respect for the internationally recognized rights of workers in the context of U.S. trade programs like GSP.

The lack of basic rights for workers in LDC's is a very important inducement for capital flight and overseas production by U.S. industries. The tremendous disparity in labor rights between many American workers and the absence of those rights for most workers in LDC's is a growing factor in the competitive decline of many of our basic industries like steel, shipbuilding, auto production, construction, and mining as well as in less skill-intensive industries like footwear, rubber goods, textiles, and electronics. The current GSP program tends to accelerate this trend.

The threat, whether explicit or implicit, by American-based multinational corporations to transfer domestic production from the United States to other countries in which there are no labor rights serves as a powerful inducement to force American workers to relinquish legitimate rights won through several decades of personal hardship and struggle. Similarly, the same threats are effectively used by American-based multinational corporations to undercut the rights of workers in LDC's. These global corporations often threaten to leave some Third World countries and to move elsewhere to avoid being bound by labor rights in order to pressure workers to accept substandard working conditions and very low wages. Access to the U.S. market through programs like GSP is an important consideration for many of these corporations.

There is an escalating trend in global production that undercuts the rights of all workers. The rights of American workers will be more secure and U.S. industrial health will be more effectively advanced by a positive, aggressive effort to extend those basic rights to workers in countries with which we must compete than by a continuation of present policies which tend to diminish the rights of American workers to the lowest common international denominator.

A section-by-section analysis follows:

SECTION-BY-SECTION ANALYSIS OF THE GENERALIZED SYSTEM OF PREFERENCES REVISION ACT OF 1984

SECTION 1

This section entitles the bill, The Generalized System of Preferences Revision Act of 1984.

SECTION 2

This section requires that the President take into account, as one of four basic factors, the effect that providing duty-free treatment to any eligible articles from any beneficiary developing country will have on extending internationally-recognized worker rights to workers in developing countries.

SECTION 3

This section first defines internationally-recognized worker rights to include the freedom of association, the right to organize and bargain collectively, a prohibition on the use of any form of forced or compulsory labor, the prohibition and elimination of discrimination in respect of employment and occupation, the establishment of a minimum age for the employment of children, and the delineation of acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health. All of these rights in our country enjoy constitutional or statutory protection. Moreover, the first four rights cited are generally recognized International Labor Organization (ILO) human rights covenants in most countries.

This section declares any developing country ineligible for designation as a GSP beneficiary if that country has not adopted laws that extend internationally-recognized worker rights to workers in that country and is not enforcing those laws. It goes on to specify that one of five determinative factors which the President shall take into account in deciding whether to designate an LDC eligible for GSP benefits will be whether or not that country has adopted and is enforcing laws that extend internationally-recognized rights to workers in that country.

SECTION 4

This section denies GSP eligibility for any article produced or processed under conditions exempted by law or government practice from the minimum labor code in a beneficiary developing country. It is needed to ensure that beneficiary LDCs do not use the designation of export zones as a means of circumventing laws that extend internationally-recognized rights to workers in those countries.

In addition, this section assures that parties interested in the implementation and the protection of internationally-recognized worker rights as well as those with a significant economic interest in the determination be given the same standing to request specific actions during the GSP annual review process.

SECTION 5

This section provides a systematic framework for graduating LDCs from the GSP program as they become more competitive in international trade. Specifically, it provides a new scheme for applying competitive need limits and taking into account the relative incomes of beneficiary developing countries as measured by annual per capita gross national product (GNP). The President is directed within two years after the date of enactment of the bill and subsequently at periodic intervals to conduct a general review of all GSP eligible articles to apply one of three different thresholds (measured by dollar value or a percentage of appraised value of total imports of such article into the U.S. during any calendar year) to articles exported from beneficiary developing countries based upon the 1980 per capita GNP of those countries. (After 1985, the base year for measuring the per capita GNP of beneficiary developing countries will become the preceding calendar year.) Three different levels of competitive need limits are to be applied across-the-board to eligible articles from beneficiary developing countries as shown in the following table:

1980 per capita GNP	Level of competitive need limits to be applied
Under $400	No limits.
$400 to $1,400	50 percent or more of total imports of the article or $54,000,000 (estimated) in imports of the article (status quo in current program).
$1,401 to $5,000	25 percent or more of the total imports of the article or $25,000,000 (estimated) in imports of the article.
Over $5,000	Not eligible for the GSP program.

In addition, this section allows for the automatic redesignation as a beneficiary developing country with respect to an article eligible for GSP treatment if the competitive need limits applicable to that country are not exceeded during the preceding three years. The existing standard is one calendar year.

SECTION 6

This section extends authority for the GSP program for six years. Three years after the date of enactment of the bill, the President is required to submit a report to the Congress on the operation of the revised program.

In addition, this section requires that the Secretary of State and the U.S. Trade Representative in consultation with the Secretary of Labor transmit pursuant to existing Section 116(d) of the Foreign Assistance Act of 1961 a report on the status of internationally recognized rights of workers within countries designated as beneficiaries of the GSP program.

SECTION 7

This section directs the appropriate U.S. government agencies to work with beneficiary developing countries to develop and to implement specific measures to assure that agricultural exports are not promoted within those countries to the detriment of the production of food for local consumption within those countries.

In summary, there are two overriding reasons to support this bill.

First, it will make the GSP program conform to its espoused purpose—helping LDCs become more competitive in world trade. The GSP program should have had an international development framework from the outset. The graduation scheme in this bill will provide a much fairer distribution of GSP benefits for those LDCs that most need them.

Second, this bill breaks new ground in the positive advancement of international human rights through its linkage of trade and labor rights. Instead of punishing other countries for human rights violations, this bill seeks to reward those LDCs that treat their workers with care and dignity.

Our existing human rights laws relate U.S. sanctions and incentives exclusively to foreign assistance (bilateral economic and military aid) or to loans available through the international financial institutions. Actual human rights monitoring has been reduced to tracking murders, disappear-

ances, torture, political imprisonment and other forms of physical abuse against the individual because of their prevalence around the world. Consequently, our human rights policies do not adequately respond to the positive development of democratic institutions and processing abroad.

The international rights of workers and their abuse go largely unrecognized without any significant U.S. policy response and with the appearance of official complicity. Our government does very little, if anything, to encourage international acceptance of the right to organize, the right to bargain collectively, the right to a safe working environment, and the right to a livable wage, or to curtail child labor abuses. In stride with the new challenges confronting our country, we must act to make certain that vitally important dimensions of our foreign relations like international trade are no longer arbitrarily viewed as outside the customary scope of our commitment to human rights.●

JEWISH COMMUNITY RELATIONS COUNCIL OF NEW YORK, INC.

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. SCHUMER. Mr. Speaker, recently I had the pleasure of attending the sixth annual congressional briefing breakfast of the Jewish Community Relations Council, along with Sentors MOYNIHAN and D'AMATO, 10 other members of the New York congressional delegation, and more than 250 leaders of the Jewish community. At the breakfast, JCRC President Peggy Tischman delivered a stirring statement of community concerns which focused on the domestic and foreign policy agenda of the Jewish community. Since I believe Mrs. Tischman's remarks have great meaning for us, all, I would like to share them with my colleagues at this time.

JEWISH COMMUNITY RELATIONS COUNCIL OF NEW YORK, INC.

The Jewish community has always been an integral part of efforts for social justice and a leader in support of quality programs for disadvantaged populations among whom members of our community are counted in all categories.

Our concerns this year are focused on differences between our perception of need and the government approach to meeting needs, particularly of those most vulnerable in areas such as health services funding, block grants, the aged, and the homeless.

Among the health care issues, both medicare and medicaid programs are of grave concern to us.

Specifically, we are opposed to any increased costs to beneficiaries resulting from proposed savings in the medicare program. Fiscal year 1985 cuts to be achieved through an increase in part B co-insurance costs to beneficiaries and increased deductibles to beneficiaries are unacceptable. We commend the efforts during the first session of the 98th Congress to scrutinize provider costs. However, the administration proposal to achieve this by a 1-year physician reimbursement freeze can too easily shift the Federal costs savings to the beneficiary.

We realize full well the escalation in costs for hospital services, medical services and dentistry, which has been one thousandfold. However, the prospective payment plan, if it is to function efficiently, must be carefully monitored because it is well to remember that since 1961, medicare costs which covered 80 percent of the individual's costs, in 1981 only covered 45 percent.

Medicaid, which in its early years enable the near poor to remain independent, in recent years has restricted eligibility such that most beneficiaries are well below poverty level. We are disturbed by the administration's proposal to achieve further cost savings through a 3 percent reduction in Federal reimbursement to the States, and mandatory beneficiary payments of certain optional services now picked by the States.

I want to express our sincere thanks to Senator Al D'Amato, Congressman Guy Molinari, and others for their untiring support of the Elderplan, Inc., the social health maintenance organization demonstration project sponsored by Metropolitan Jewish Geriatric Center, one of four in the country. The S/HMO demonstration is a vital project to the Federation of Jewish Philanthropies, New York State, and the entire country. This program holds promise for the more efficient use of both medicaid and medicare dollars and will enable elderly persons to receive increased medical and health care benefits with little, if any additional public expenditure. The S/HMO is a strategy whose time has come, as it will address the deficiencies of the present health care delivery system for the elderly. We need your support to prevent OMB from destroying this project.

Categorical human services programs have been diluted by the administration's move to block grant programs which forces programs of equal merit to compete intrastate for greatly reduced dollars.

In fiscal year 1985 this takes the form of proposing the incorporation of two child feeding programs into a state block grant and the inclusion of a nutrition program for the elderly as well. History has demonstrated that the State approach commonly shifts flexible dollars afield of the constituencies and needs for which the Congress intended them.

One of the areas in which we in New York have been very active thanks to our own consciences and certainly to the mayor's is the area of the area of the homeless. A tremendous national effort, in which federation was a leader, resulted in emergency dollar allocation to food and shelter for the homeless through FEMA. These funds expire in March 1984. We feel that this needs to be approached as a long-term issue with its attendant authorizations, and relates to two larger issues which the Congress needs to address, namely, the increasing dirth of public and otherwise subsidized housing, and the absence of work opportunities. We are committed to protecting the provisions in our constitution that guarantee the rights we enjoy. A series of measures have been proposed in recent years, including a call of a constitutional convention, that we believe threaten the basis of our democratic government. We urge you to continue to be vigilant on all such measures and to help educate your constituencies to the dangers they pose.

Energy independence and assurance of ample supplies must be a priority. We must find ways to encourage domestic production, conservation and an increased rate of fill of the strategic reserves. In a more general sense we are concerned that legislation and the legislative process serve to bring people together and not pit groups or regions against each other.

Our domestic concerns are interrelated with the international issues on our agenda. The search for peace in the Middle East and indeed the world, suffered a setback this week. The bright hopes, so strong last May when the Lebanese-Israeli agreement was signed, seem ever so dim now as we watch the situation in Lebanon disintegrate. More than any time in the past decade, all those who cherish democracy and freedom must rededicate themselves to finding new ways of fostering peace both at home and abroad.

Fundamental to this goal is strengthening and allying ourselves with those who share our interests. The fact that Israel remains our sole democratic ally in the Middle East reiterates how important your role as legislators and ours as concerned citizens, is in supporting her. We must use every avenue possible to see that policy concerning Israel works toward insuring her safety within secure, defensible borders, and enhancing her rights as a sovereign nation. Toward this end, we ask that you endorse the legislation introduced by Senator Moynihan which supports the transfer of the U.S. Embassy to Jerusalem. Since the days of King David, Jerusalem has been the capitol of the Jewish state. With the rebirth of Israel, Jerusalem as its capitol houses the Knesset (Parliment), as well as the residencies of the President and the Prime Minister. Current U.S. policy locates our embassy in Tel Aviv. It is the only country in the world where our embassy is not located in the capitol.

For many years both Republican and Democratic platforms have endorsed an "undivided Jerusalem with free access to its holy places for people of all faiths." Only since Israel reunited Jerusalem in 1967 has this situation prevailed. Therefore, as loyal members of either party, we are asking you to bring to reality that which has been advocated in theory for many years.

We are, of course, deeply grateful for the strong support of Israel each of you has given during the first session of Congress in voting for foreign aid. The record $2.61 billion, as well as the emerging U.S.-Israeli strategic cooperation agreements, marks important steps in understanding the need for a long-term strategy regarding Middle East policy. The inclination to pursue ad hoc foreign policy initiatives must be resisted. We ask that you, as our elected officials, insure that our country continues to support the Camp David peace process. We cannot allow Egypt to slip back into the Riyadh or Moscow axis and we must make clear to the Egyptian Government that if it wants to continue its special relationship with the United States and the economic and military aid that this provides (a proposed $2.17 billion for fiscal year 1985) Egypt must fulfill the letter and spirit of its obligations under the Camp David accords.

Apropos of this, President Mubarak is currently in Washington and this is the most propitious time to urge the President that Mubarak reconsider the fact that for 1½ years Egypt has not had any representation in Israel and that they have, at the very least, dragged their feet regarding the implementation of Camp David and ongoing relations with Israel. Moreover, the attempt to deny Israel its capitol by others in the United Nations is part of the broader campaign to deligitimize the State of Israel. The

outrageous and obscene Zionism-racism resolution was a watershed in this campaign that continues until today unabated. It is no less than the most vicious antisemitism thinly cloaked. None of us can allow ourselves to be lulled into complacency or to be misled by the emerging political theology that seeks to justify this dangerous campaign.

To achieve a true and lasting peace in the Middle East, we as a nation must stand solidly with friends and not pander to enemies who hide behind the word "moderate" but whose cowardly actions belie this self proclaimed title.

It was gratifying that in the last session of Congress, a member of our New York delegation was chiefly responsible for the deletion of funds from the military budget earmarked for the Jordanian Rapid Deployment Force. Now again we are faced with another request to supply $220 million for a joint logistical plan, between Jordan and the United States, providing that the force will not be used against Israel. King Hussein has already publicly declared that the force would be used solely to further Jordanian interests, not necessarily those of the United States. What's more, he declined to rule out the possibility that American-supplied weapons and aid might be used against Israel. To continue to pursue this policy is self-defeating. It will weaken and make vulnerable our country's one reliable ally, whose security you have long supported. We cannot continue to abet the spiraling arms race which places additional and unbearable burdens on Israel which must maintain qualitative superiority. The unprecedented Soviet supply of $3 billion in arms to Syria and additional sales to other beligerents as well as Egypt demand even greater sensitivity to Israel's security position on the part of the United States.

Our emphasis and drive to attain a stable environment throughout the Middle East must focus on economic stability as well. We are all aware of the critical situation of the Israeli economy. Last week hearings were held before the Senate Finance Committee on the establishment of a United States-Israeli free trade area. Such two-way duty free trade will serve the interests of both our countries. It will benefit the American economy by expanding trade possibilities while protecting the position of American exporters in Israel's $8 billion market. Moreover, it will strenghten Israel's economy by increasing its export potential and by stabilizing its trading relations with the United States. Hearings are scheduled before the House Subcommittee on International Trade in February. We strongly urge that you support the FTA as sound trade and foreign policy for both the United States and Israel.

It is a tenet of our faith that we are responsible for one another. Thus, as the representatives of nearly 2 million Jews in the New York metropolitan area we must speak out on behalf of our brethen who do not share the freedom of a democratic society. We thank you for your support of the endangered Jewish communities in Ethiopia, Syria, and the Soviet Union and implore you to continue your efforts in restoring their basic human rights. They look to you and the American people as their lifeline, their hope to be able to live freely as Jews, reunited with their families and people.

We must also remember the memory of those Jews who suffered the worst persecution in the history of mankind. All those nations who stood by while Nazi tyranny raged and destroyed European Jewry, share a responsibility to right the wrongs of the past. Therefore, 39 years later, we still must do everything in our power to see to it that those responsible for these heinous crimes are brought to justice. We urge you to see to it that hearings are held before the full Judiciary Committee on American Intelligence involvement with Nazi war criminals. We also ask that you remind Germany of the moral obligation it bears not to sell armaments to an Arab country that is pledged to the destruction of a Jewish State. Saudi Arabia has declared a Jihad—Holy War—against Israel. It is not only dangerously naive but morally irresponsible to claim that the proposed weaponry will be used solely for defensive purposes. A letter will be circulating in Congress expressing these views to the German Government. We ask that our New York congressional delegation sign this letter and use every opportunity possible to influence Prime Minister Kohl during his upcoming visit to the United States in March not to sell the $5 billion worth of armaments to Saudi Arabia.

In closing, I would like to mention a universal figure who embodies Jewish tradition and principles and whose life bridges the gaps between people of all faiths and nationalities. Next year marks the 850th anniversary of the birth of Rabbi Moshe Ben Maimon, also known as Maimonidies, a Sephardic Jew who led a distinguished life as a philosopher and physician, a scholar and spiritual leader.

We at the JCRC believe it would be appropriate for the United States to mark this anniversary by the issuance of a stamp. Steps are underway to introduce, in the near future, a resolution in Congress for such a commemoration. We ask that you support these efforts to honor Maimonidies, a man whose impact affected theology and philosophy throughout the world.

We also ask your support again for the resolution supporting Jewish Heritage Week 1984 which the JCRC initiated 7 years ago. In the metropolitan area some three-quarters of a million young people and adults are reached in school and community programs of all kinds. Not only does this celebration recall Jewish contributions to our country and society but it seeks to build bridges of understanding between the various religious and ethnic groups that make up our city. Again we look to you and offer all of our assistance to foster intergroup relations to bring people together to improve the quality of life for all.

We thank you for the service you render to our community and country, we are proud to be represented by such devoted, talented, and committed people. All too often your tireless efforts may be taken for granted and so this opportunity to express our recognition and appreciation is especially important.

We firmly believe that we share the responsibility and want to forge an ever stronger bond with our elected officials to assist, at times to prod but always as partners in building a better world.●

SALUTING THE ELKS LODGES' DRUG AWARENESS EFFORTS

HON. C. ROBIN BRITT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. BRITT. Mr. Speaker, I would like to take this opportunity to commend Elks lodges in North Carolina and across the Nation for their outstanding work in the area of drug awareness.

In 1982, the Elks conducted a major study to determine where volunteer help was most needed. They contacted more than 2,000 mayors nationwide, asking what problems their communities faced and how volunteers could be of service. What the Elks found was that drug abuse was the major problem in many communities.

The organization responded by developing a program designed to stop drug abuse before it starts. The target is youth in the fourth through ninth grades, whose attitudes and behavior can still be influenced. The objective is to increase their awareness of the adverse consequences of drug abuse, so that youth will decide for themselves to avoid drugs.

The need for strong drug education efforts is well documented. According to a study conducted by the University of Michigan Institute for Social Research, roughly two-thirds of all Americans growing up today try an illicit drug before they finish high school, and 34 percent of high school seniors regularly abuse drugs. ACTION, the Federal drug use prevention program, notes the grim fact that drug abuse plays a major role in teenage suicides, which number about 35,000 each year.

Elks lodges across the Nation are currently getting their programs underway, with training, guidance, and materials provided by the chairmen of their statewide efforts. By educating teenagers and their parents and teachers about the many dangers of drug abuse, the Elks hope to steer scores of young people away from the perhaps seductive but ultimately destructive option of drug use.

In North Carolina, where the various Elks lodges have already made strong contributions to the continuing struggle against drug abuse through their individual drug awareness efforts, the State drug awareness program is chaired by Mr. Jim Green.

Our children are this country's hope for the future, and I can think of no better way to insure a bright and prosperous tomorrow for America than for responsible and active groups like the Elks to help point our young people in the right direction. I salute the Elks for their important contribution to the Nation's future.●

CHILDREN'S ISSUES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, March 14, 1984, into the CONGRESSIONAL RECORD:

CHILDREN'S ISSUES

Children have been getting more attention in Congress's recent sessions. I have seen increased attention to children in meetings across the Ninth District as well. This attention seems to stem from the dramatic changes now taking place in the living situation of children in America. The family environment is being transformed.

There can be little doubt that these changes are putting new pressures on families and creating new demands on institutions. The sharp reduction in the number of children is one of the most important trends, but there are many others to be considered. The proportion of children living with one parent has nearly doubled in the last decade; the proportion of mothers who work outside the home has shifted from a minority to a majority, so that 50 percent of all mothers with children under six years of age are now in the work force; one of every four children does not live with both parents; one family in five with children is headed by a woman; nearly one child in five (two in five among blacks) lived in poverty in 1983; only one third of all mothers with minor children receive support from absent fathers; annual child support for those who receive it averages $2,000.

Congress is seeking ways to focus on issues affecting children and families. The following are some of the most troubling problems:

Missing Children.—The disappearance of children is an alarming problem for parents and law enforcement officials alike. About 100,000 children are abducted each year, either kidnapped by a stranger or taken by a parent who does not have custody of the child. Most of these children never come home. A national clearinghouse was set up two years ago by Congress to help locate missing children, but lack of participation by state and local law enforcement officials has reduced its effectiveness. Other information systems which can aid the search for missing children, such as fingerprint files, are being examined.

Child Abuse.—Each year, more than a million children suffer either neglect or physical, emotional, or sexual abuse. Reports show increases in neglect and abuse, which may be correlated with greater financial pressure on families. To combat this frightening problem, the federal government makes grants for state initiatives and for competitive research and demonstration projects. Unfortunately, funding for these grants has declined since 1981.

Child Pornography.—The exploitation of children by pornographers is another disturbing problem. The Supreme Court has decided that government can regulate the production and distribution of materials showing children's sexual activity without violating contitutional rights of free speech and free press, even when the material is not legally obscene. Both the Senate and the House have passed bills to broaden federal law by eliminating the requirement that child pornography be commercial in purpose and legally obscene.

Handicapped Infants.—Cases where the parents and doctors have decided not to provide treatment or nutrition to severely handicapped infants have provoked sharp public debate about the federal government's role in this area. Withholding medical treatment from severely handicapped infants is defined as child abuse in legislation approved by the House. The bill is now pending in the Senate. Also, the Reagan Administration proposed regulations to ensure treatment, but the regulations were revised due to opposition by those who did not believe that the federal government should intrude into private decisions by parents and doctors in cases that vary so much.

Poverty.—The number of children living in poverty has increased by more than two million in four years. This regrettable fact is due in part to high unemployment, but it is also due to $3.9 billion less real spending on child nutrition programs, food stamps, and aid to families with dependent children since 1981. School lunch programs have been cut as well. Congress has resisted further reductions in these programs.

Health.—Maternal and child health programs, medicaid, and other health-related initiatives have also experienced budget cuts. These cuts, along with the poor economy over the past few years, have affected children's health. There is less medical care available to low-income women in the early months of pregnancy, so more women are receiving prenatal care late or not at all. A third of the states are not expected to meet the goal of reducing the infant death rate to eight per thousand by 1990. Immunizations are down, leaving children susceptible to polio and other dangerous diseases. These cuts are hardly justifiable, even in fiscal terms, since preventive care is more cost-effective than medical treatment once a child falls ill.

Day Care.—First instituted during World War II and then revoked, federal assistance for day care has been renewed as the number of working mothers has grown. The federal tax code functions as the largest, albeit indirect, source of assistance. Parents of children under fifteen years of age may claim tax credits of up to 30% of the cost of day care. These claims resulted in an estimated cost to the Treasury of $1.5 billion in 1983. Employers providing day care also receive tax credits and deductions. In addition, the federal government provides day care assistance as part of various social programs.

Child Support.—The failure of fathers to pay child support imposes a great burden on children, on custodial parents, and on social service agencies, which in many cases must assume the responsibilities of the absent parent. The House has approved a measure, now pending in the Senate, which would authorize the mandatory withholding of child support from the income of absent spouses.

The future role of the federal government in addressing the problems of children is itself an emerging issue. All in Congress agree, however, that we must understand better the condition and need of our children.●

COPPER GHOSTS

HON. JAMES F. McNULTY, JR.

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. McNULTY. Mr. Speaker, since entering this body as the Representative of the Fifth Congressional District of Arizona it has been my duty and my honor to encourage concern for the stricken American copper industry. The fact is that while our national unemployment rate has declined to 7.8 percent—and I do not accept the level of unemployment as a worthy economic goal inasmuch as there are still 9 million American men and women out of work—unemployment in the copper belt remains of tragic proportion and scale. The 144,000 men and women in the mining industry were unemployed in February 1984 according to the Bureau of Labor Statistics, a number dramatically increased since last October, in the midst of a much celebrated economic recovery in much of the rest of the economy.

But, Mr. Speaker, statistics do not and cannot tell the human side of unemployment—how it places families under pressure, how whole towns are subject to collective stress, how deeply individuals must reach into their souls so as to endure the hardships of a life without an opportunity to do their work. Jack Anderson has filled in the gap with a powerful account of unemployment among copper workers in southeastern Arizona and I respectfully urge my fellow Members who have not had an occasion till now to inform themselves about this problem to read Mr. Anderson's account. With congressional support we can and we should implement policies that will enable the men and women of this industry to get back on their feet.

The article follows:

[From the Washington Post, Mar. 11, 1984]

COPPER GHOSTS

(By Jack Anderson)

The grand designs of our global strategists often fail to take into account painful human consequences. It's unlikely, for example, that the policy-makers in Washington have ever given any thought to Superior, Ariz. Yet they have made decisions that have just about ruined the hardy people who live there.

Superior was once a booming copper town. Now it's becoming a ghost town. The lives of its 4,600 residents had always revolved around the Magma Copper Co. For four generations, the town's men had worked the Magma mine.

Then on Aug. 15, 1982, the company shut down the mine. One day, miners were taking home $100 in daily wages; the next day they were out of work. And with the Magma payroll gone, the few other enterprises in Superior also began to falter.

A year ago, a restaurant burned down on Main Street; no one has bothered to clear

away the charred debris. The local hotel, once bustling with business, has been converted into a charity food dispensary.

What have the town's troubles got to do with global policy? Just this: the United States contributes heavily to international loans to help impoverished countries develop their resources. One resource that has been developed in abundance is copper. The resulting overproduction has caused the worst depression in the U.S. copper industry in 40 years.

Specifically, the U.S. taxpayers—including the few in Superior who still have enough income to be taxed—are shelling out money to keep overseas copper mines open. This adds to the worldwide copper glut that is pushing prices down and causing companies such as Magma to close mines. Since 1979, 16 of America's 25 largest copper mines have shut down.

In 1982, for example, the International Monetary Fund handed over $325 million to Chile to expand the operations of CODELCO, the state-owned copper monopoly. This raised copper production 15 percent in Chile at the same time that production dropped 25 percent in the United States. Yet the greatest share of the $325 million loan came out of the U.S. Treasury.

The townspeople understand that world copper prices have been falling, so they don't blame Magma for closing down the mine. What's driving them to despair is the continuing uncertainty over the company's future intentions. Magma can't say whether the closing is permanent or not.

Just as the outlook began to improve last year, the Inter-American Development Bank lent the Chilean government another $268 million to expand copper production. Again, the lion's share was contributed by the United States. Now I've learned the governments of Zambia and Zaire are asking the World Bank for multimillion-dollar loans to stimulate copper production.

The U.S. government has usually been able to block any international loans it doesn't like. Then why does it permit loans that damage the domestic copper industry? The State Department contends that opposition to the loans would damage relations between Washington and Third World countries, such as the military dictatorship of Chile's Gen. Augusto Pinochet.

So the residents of Superior are suffering personally and painfully for the Reagan administration's strategic goals. Since the mine closed, there has been a strange outbreak of illnesses and accidents among the townspeople. The Rev. Michael Teta, pastor of St. Francis church, believes these have been caused by anxiety and insecurity.

In a talk with my associate Michael Binstein, the priest spoke sadly of what is happening to his flock. He told of a woman who sold her radio to buy her child a pair of shoes.

"The uncertainty is probably one of the major sources of anxiety," said Teta. "People are at a loss as to what to do with their lives."

Consider the misfortune of Tony Munoz, who spent 33 of his 58 years in the mines saving up for his lifelong dream—a business of his own to boost his meager pension. A year before the Magma mine closed, Munoz bought a hotel-restaurant on Main Street.

Since the shutdown, Munoz has lost 60 percent of his trade and is losing $700 a month on the hotel. He subsists on $455 in monthly retirement benefits plus whatever he can make selling jewelry in Phoenix on weekends.

Things are so bad in Superior that Munoz turned 10 of his 50 hotel rooms into a food bank run by Loretta Johnson and 22 volunteers. Since unemployment benefits ran out months ago, the center now feeds about 1,200 families with surplus government cheese and powdered milk.●

A SALUTE TO CLARENCE A. BRIDGERS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. DYMALLY. Mr. Speaker, it is with great honor and privilege that I bring to the attention of my colleagues the long and distinguished public service career of Clarence A. Bridgers. Clarence Bridgers, who has loyally dedicated more than a decade of his life to community service, will retire as a long-time official of the city of Carson in the 31st Congressional District of California.

Many in Carson will greet Mr. Bridger's retirement with mixed feelings. On the one hand, they will be sad to see him leave city hall, yet they know how well-deserving he is of rest and relaxation after 16 busy years of serving the city government.

Before embarking on his career as a civic leader, Clarence completed his college education at the North Carolina A&T State University—Agriculture and Technical—in Greensboro, N.C. He received his bachelor of science degree in industrial arts, providing him with a broad background suitable for government service.

Clarence's experience in public affairs began before Carson even existed as a city. As the former vice president of the Centerview Homeowners Association, he was instrumental in working with other community leader and groups in gaining cityhood in 1968.

With his stated goals of increased public safety and improved public services in mind, Clarence first served his new city in 1968 as vice chairman and then chairman of Carson's first planning commission. For the next 12 formative years for Carson, he served as a councilman. During that tenure, he managed to fit in 2 years as mayor and 1 year as mayor pro tempore. It was also during this time that Clarence was actively involved with the approval of the construction of the new community center.

Clarence also found time to squeeze in more community activities. He served on the Southwest Area Planning Council; South Bay Cities Association; Community Action Agency; West Basin Water Association; Southern California Association of Governments; California Contract Cities Association; National League of Cities; and U.S. Conference of Mayors. He was also chairman of the Mosquito Abatement District and member of the Los Angeles County Sanitation District 8.

Undoubtedly, the citizens of Carson were very fortunate to have a man like Clarence Bridgers working hard for them. Present at the creation of Carson, Mr. Bridgers could be considered as one of the fathers of the city. I am certain his wife Marjorie and daughter Deborah, as well as the rest of Carson, are very proud of him as he prepares to step down from a lifetime of public service. I, for one, wish to express by gratitude to him for serving as an exemplary government official.●

MAIMONIDES AND SENIOR COMMUNITY AIDES MAKE BROOKLYNITES HEALTHIER AND HAPPIER

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. SOLARZ. Mr. Speaker, since March is "Social Work Month" in New York State, I wanted to take this opportunity to recognize and pay tribute to a wonderful institution, Maimonides Hospital, and to a unique team of 12 senior community service aides from my district who are involved in a program that has made life healthier and happier for literally hundreds of older residents of the Boro Park community of Brooklyn.

The senior community service aide program is an unusual hospital-based employment program initiated in 1978 by the Maimonides Hospital Social Service Department and the New York City Department for the Aging. This outreach program provides services for the frail and homebound elderly in Boro Park.

An important concept of this program is to recognize the significance social, emotional, economic, and family factors have in relation to a patient's illness, treatment, and recovery. But it is the devoted care and concern shown by these aides which I believe to be the key element to the outstanding success of this outreach program. Therefore, I would like to pay tribute today on the floor of the House to Charlotte Alper, Grace Celetti, Damaris Colon, Chalman Cubert, Margarita Erenburg, Connie Ferraro, Loretta Garvey, Ruth Goodman, Leon Keller, Myrtle Leewright, Albert Miller, and Doris Reynolds for a job well done.

Once a volunteer program, these Senior Community Aides, all of whom are over 55 and living on fixed incomes, now hold federally subsidized jobs. Maimonides Hospital funds six positions, and the New York City Department for Aging matches the hospital's contribution by providing for six additional aides. The first coopera-

tive venture of its kind between a hospital and the New York City Department for the Aging, this small, cost-effective program provides 240 hours of social service assistance per week to the Boro Park community at an annual cost to the hospital of only $24,340 per year.

The 12 senior community service aides receive specialized training and are supervised by certified social workers. As social work assistants they offer emotional support to scores of our elderly facing bouts of depression and isolation. Through home visits, patients are encouraged to get well and to take more interest and responsibility for their health to prevent additional hospitalization. Other phases of the program include supportive services such as shopping, acting as an intermediary with vital community agencies, accompanying patients to the hospital, and helping the elderly with Government entitlement benefits and requirements. In all, the program offers over 16,803 services for older adults.

Mr. Speaker, I would like to congratulate all those city and hospital officials who have helped to make this program possible. But particularly today I want to recognize the enormous contributions the talented, generous, and dedicated team of community service aides and the Maimonides Social Service Department have made to the people of the 13th Congressional District.●

LABOR DAY COMES EARLY

HON. GEORGE M. O'BRIEN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. O'BRIEN. Mr. Speaker, with all the talk these days about the skills and productivity of workers in foreign countries like Japan, we sometimes forget how great our own workers are. It's nice to know that people like Jim Horwath, Frank Papesh, and Homer Workman are doing their level best to bring back the Joliet rod plant of United States Steel, one of the company's oldest plants in the Nation. I commend their exceptional effort and join with my hometown newspaper, the Joliet Herald-News, in "declaring an unofficial 'Labor Day' to salute these fine people." The text of the Herald-News editorial, which appeared on March 2, follows:

STEEL WORKERS MAKE AREA PROUD

"They're proud," said one supervisor. "And we're proud of them."

These are comments from a supervisor at the U.S. Steel plant on Collins Street in Joliet. While most of the facility has been closed, a small portion is still operating—and at a record pace in January.

You may have read in Wednesday's Herald-News about the 150 workers setting a record for production of coiled rods. Despite the fact that the giant plant, which employed as many as 2,000 workers at one time, has ceased most production, these employees have persisted.

With pride in their work and determination to keep their jobs, these steel workers have kept open their small section of the sprawling plant.

Homer Workman, Joliet division superintendent, said the employees have met a challenge. Productivity has increased while the workers became more quality-minded.

"We are now competing with the Japanese in this product line," Workman said.

We take particular pride in the accomplishment of these workers because they are our friends and neighbors.

We also are delighted to hear a story about American workers on the rebound. Too often we read stories about declining productivity and quality.

Frank Papesh, a member of the United Steel Workers of America Local 1445, said, "We take pride in our work. Everybody tightened up a little, did a little more, because we were scared. Nobody wants to see the place shut down."

The perseverance of these workers is a credit to this area. These hard-working people are the strength of our labor force.

This is not the right month, but we are declaring an unofficial "Labor Day" to salute these fine people.●

HUNGER AND NATIONAL POLICY

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. SCHEUER. Mr. Speaker, I would like to bring to the attention of the House a timely address recently given by my good friend, neighbor, and colleague from the Seventh District of New York, Congressman ACKERMAN.

Congressman ACKERMAN delivered a speech on "Hunger and National Policy" at the annual legislative conference of the American School Food Service Association on March 12 at the Capital Hilton. His remarks are an articulate critique of the Reagan administration's lack of sensitivity to the serious problem of hunger and malnutrition in our Nation.

As we begin to debate budget priorities for fiscal year 1985, I commend Congressman ACKERMAN's address to my colleagues' attention.

Good morning, ladies and gentlemen. I am delighted that you invited me, a freshman, to share this distinguished dias.

I am grateful for the opportunity to speak to you about "Hunger and National Policy." As you know, there are people in this town who don't believe those two words belong together. They rather deliver speeches about "Hunger and Local Policy" or "Hunger and Private Sector Initiatives." Some of these people don't like to talk about hunger at all; they question its existence in this country, or suggest that the problem has been exaggerated for political purposes.

But who's been exaggerating? The wide array of organizations reporting increased hardship for the poor and working class include Bread for the World, United Way, U.S. Catholic Conference, the Federation of Jewish Philanthropies, and Save the Children. These groups wouldn't make the guest list for a banquet at the Kremlin, nor are they a bunch of tax-and-spend liberals trying to corrode the free-enterprise system. Indeed these are the very outfits that Mr. Reagan praises for their voluntary efforts. But if they ask for more than praise, however, he turns tight-lipped.

It is true that the extent of hunger and malnutrition has been distorted. But the distortion has been in an attempt to lessen, not heighten, the public percepton of the problem. These false allegations are not buried within the dusty publications of an obscure bureaucracy, but come directly from the mouths of top Administration officials. In their spontaneous remarks, they let their true feelings spill out. White House counselor Edwin Meese believes that evidence of hunger is "anecdotal," that the thousands of our fellow citizens who huddle in soup lines each day do so because "the food is free," and "that's easier than paying for it." For his apt perceptions, President Reagan has rewarded Mr. Meese with the post of Attorney General, the highest law-enforcement position in the land.

Friends and advisors to the President do not have a monopoly on insensitivity. The President himself can crack a jovial smile while telling us that the homeless are without shelter "by choice," and that many of them sleep on street grates of their own free will. Small wonder that when the Administration commissions a study on hunger, the panel confesses, "We have not been able to substantiate allegations of rampant hunger," and, despite unprecedented cutbacks in Federal programs, "public parts of the income-maintenance and food-assistance efforts are available and sufficient for those who take advantage of them." These are excerpts from the report of the President's Task Force on Food Assistance, a group which would never have been convened had they not been expected to draw such conclusions.

As a former educator, I have always been partial to studying. I used to tell my students that study was the key to self-improvement and led to a better understanding of how the world functions. Ronald Reagan has given the word a bad name: To study an issue now means to neglect it, defuse it, or at the very least postpone it until after the public furor subsides. Acid rain a threat to the environment? Military procurement a fiasco? Hunger in America growing? Conduct a study.

A favorite tack so far has been to vindicate the status quo, then urge that if anything be done, it be in keeping with the narrow view of Federal responsibilities that the President cherishes. Thus, the Task Force on Food Assistance accepts his premise that the assault on social programs which began in 1981 has eliminated only fraud, waste, and abuse. The changes that the Task Force proposes would further tighten the noose around the necks of the nation's malnourished.

By far the most damaging of the Task Force's recommendations would permit states to drop out of Federal food-aid programs, such as Food Stamps, and instead receive a block grant to distribute as they see fit. Proponents argue that given greater flexibility and discretion, states and locales will channel funds to the truly needy. One would think that state and local govern-

ments would be thankful for being liberated from the tangle of regulations that their big brother in Washington has imposed on them. Yet the National Governors' Association, the U.S. Conference of Mayors, and the National Association of Counties all oppose the measure.

They know better. They know what happens under Ronald Reagan's New Federalism: The administrative chores are turned over to them, but the money they require stays in the vaults of the U.S. Treasury. This Task Force proposal is no different. Although current spending levels would be retained, the funds are fixed in advance; greater need would not trigger greater assistance until inflation and unemployment figures have been tabulated, at least a year later. That's a long time to wait when you're hungry. Widespread benefit reductions would occur at the worst possible time. Take the 1982-83 recession as an example. The ranks of the unemployed swelled quickly, as industries laid off workers in record numbers. With a shrunken tax base, and sales-tax revenues plummeting along with consumer spending, how would states make up the shortfall? The answer, I'm afraid, would be fewer services to fewer people.

There is, however, a larger reason for rejecting this block-grant notion. A family that is poor enough to qualify for food stamps or free school lunches would no longer be entitled to these benefits automatically. Instead, the crucial determinant would be where those people lived. If they're black and reside in a Southern state, my guess is that they would fare a lot better under the current system. It is ironic that an Administration that campaigns against bureaucratic excess would put an end to uniform eligibility and benefit standards. Most major religious, civil-rights, and social-welfare organizations have also expressed their opposition to this idea. Like the governors, the mayors and the county commissioners, they believe, as I believe, that hunger can be found nationwide. The most effective remedy, therefore, is a national one, which only the Federal government can provide.

Another Task Force recommendation would force separate households sharing living quarters to apply for food stamps as a single, combined household. "Doubling up" is common in New York City and areas where the shortage of low-rent housing is particularly acute. Since food stamps are allotted to households, not individuals, this proposal would throw tens of thousands of poor families off the rolls. The Congressional Budget Office estimates that the cut in benefits would amount to $70 million a year.

The suggestion of the Task Force to standardize food-stamp benefits is no less cruel to the poor. Presently, a recipient can deduct a set amount for shelter, medical, and home-heating expenses. The Administration says these deductions have made the application process too complex and time-consuming. In the name of simplicity, hundreds of thousands of families would see their benefits dwindle. People who live in the Northeast and Midwest—where the costs of housing, health care, and utility bills are all high—would be compelled to do with less, even though they may be as needy as their counterparts in blamier regions of the country.

The Child-care deduction which poor mothers now enjoy would also be lost. The President has long complained that welfare fosters dependency. Perhaps he is unaware that many indigent women do not seek employment because they cannot locate a safe, affordable day-care center. Perhaps he must be reminded that poor parents are as concerned as affluent parents with the well-being of their children.

There are other flaws in the Task Force report. In the time remaining to me, though, I would like to commend what the government has done in the past to alleviate hunger and malnutrition in this country. Nowadays it is popular to deride government, to say that everything it touches turns to Spam. I say, to the contrary, that over the years our taxpayer dollars have gone to many noble and worthy enterprises. Among them is the Special Supplemental Food Program for Women, Infants, and Children, popularly known as WIC.

WIC supplies prescription food supplements to pregnant and nursing women, infants, and young children. The mothers must have low incomes, and all clients must be diagnosed by a medical professional to be at risk of illness due to inadequate nutrition. Medical surveys confirm that protein-poor diets are a leading cause of infant mortality, morbidity, birth defects, and learning disabilities. The Harvard School of Public Health observed a marked decrease in the incidence of low birthweight babies among WIC recipients; extended hospital care was not necessary in these cases, a savings of $3 for every $1 that WIC spent. The savings continue after birth: it costs $35 a month to provide a complete WIC nutritional package to an infant, but approximately $1,400 a week to hospitalize an infant for treatment of malnutrition.

I cite these statistics to prove a point—if the moral arguments for food assistance programs don't sway you, then be fiscally responsible, and support them just the same. Yet across the country, thousands of women, infants, and children are placed on waiting lists for WIC or are simply turned away for lack of sufficient funds. Several hundred counties have no such services at all. Nationwide, the number of people eligible and in need of WIC is two to three times the number actually receiving benefits.

WIC is underfunded because it is a discretionary program, not an entitlement. It must rely, therefore, on the amount Congress earmarks for it each year. Mr. Reagan and his friends on Capitol Hill have been unrelenting in their attempts to slash funds for WIC. Congress so far has rebuffed him; had he been successful, 700,000 enrollees—all of whom have been deemed nutritionally at risk—would have been ejected. The battle will resume over the President's fiscal year 1985 budget, which requests $200 million less than is needed to maintain the current caseload. Less money has also been requested for nutrition education, medical tests, and administrative costs related to WIC.

The other noble and worthy enterprise I wish to discuss is one which you are all acquainted with—the Child Nutrition programs, which encompass the School Breakfast, School Lunch, Child Care Food, and Summer Food Service efforts. These programs give many of the recipients their only chance to eat a well-balanced, nutritious meal on a daily basis. Again, the medical evidence is overwhelming: participants stay healthier, and demonstrate better mental and physical growth.

And again, President Reagan has done all he could to thwart the progress we've made. From the infamous "ketchup is a vegetable" rule to his latest block-grant scheme, the President has shown that he is more concerned with the china used at White House galas than what lands on the plates of millions of needy schoolchildren. I serve on the Education and Labor Committee, where we have worked at great length to preserve the Child Nutrition programs. I am happy to say that the product of our deliberations, H.R. 4021, passed the House last fall. This legislation would raise the stingy eligibility levels set earlier, as well as lower the cost of school breakfasts and lunches to the working poor.

Another important legislative goal is the enactment of H.R. 7, which would make permanent several Child Nutrition programs whose authorizations expire at the end of this fiscal year. Let me take this opportunity to thank the American School Food Service Association for your support of this bill. I urge you to keep the pressure up.

In closing, I cannot resist the teacher in me, and so I'd like to conduct a little test to see if you've been listening. Pretend you're the President, and because you're the President, I'll go easy on you and make the test multiple choice.

Question: If millions of your countrymen and women were hungry or malnourished, would you—

1. Curtail spending on food assistance,
2. Appoint a commission to see if the problem really exists? or
3. Try to feed them?

Don't give up! I'll give you a hint. You tried the first approach, Mr. President, and it didn't work. You tried the second, and people are still hungry. Now think about it. Don't get it wrong. Things like that can prevent you from going on to the next term!

Thanks again for allowing me this opportunity to speak to you on this vital issue.●

LET'S SET THE RECORD STRAIGHT ON THE SALE OF CONRAIL

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. BROYHILL. Mr. Speaker, on March 6, the House considered H.R. 3648, the Amtrak Improvement Act. During the course of that consideration, I offered an amendment, in conjunction with Congressman NORMAN F. LENT of New York, which would have preserved the proper role of Congress to review and, if appropriate, disapprove the Secretary of Transportation's plan to sell Conrail. I contended then, and I continue to contend now, that section 206 of H.R. 3648, which provides for not only congressional approval but also for revision of a sale plan, will jeopardize the successful sale of Conrail to the private sector.

The amendment I offered would have simply subjected the Secretary's plan to an up or down vote. Nothing in the amendment would have prevented the Congress from enacting legislation necessary to implement the plan, despite inaccurate allegations to the contrary. Indeed, it is well recognized that, depending on the particular purchaser, some technical legislative changes may be needed before the sale

can be finally consummated. As a matter of fact, the Administrator of the Federal Railroad Administration, John H. Riley, in testimony given before the Senate Appropriations Committee on Wednesday, March 7, stated that in all discussions to date with potential purchasers, it has become evident that it is very difficult to envision a purchase scenario that does not require some form of implementing legislation.

While this recognizes that Congress will play a definitive role in consummating a sale, it is a very different thing altogether to provide, as section 206 of H.R. 3648 does, that Congress should be able to change the actual terms of the contract negotiated for the sale between the Secretary and a purchaser. What purchaser would blindly risk a financial agreement, valued at over $1 billion, knowing any of its terms could be altered without the purchaser's consent?

The proper role of Congress to review any final plan negotiated by the Secretary would have been preserved on a formal basis under the Broyhill-Lent amendment. Beyond the congressional role that would have existed under the Broyhill-Lent amendment, the Congress will play a significant role in the sale process pursuant to an informal procedure contemplated by the Department. As John H. Riley indicated in his Senate testimony, it is the express intention of the Secretary to consult with the leadership of both parties in the House and Senate prior to the time a final purchaser is selected from the field of potential buyers. Clearly, this congressional input will help to facilitate the establishment of a consensus on how best to proceed with the sale.

An issue that was raised during the Conrail floor debate last week concerned a public stock offering as an option for the sale. Despite incorrect accusations to the contrary, the Secretary has not rejected this option. Goldman Sachs, an investment banker that has been retained to give advice in the sale process, continues to work with the Secretary in exploring the advantages and drawbacks of such an approach. Some concerns that have surfaced include the problems associated with a residual, minority ownership of stock on the part of the Government and the uncertainty as to the identity of the buyer in such a transaction. This latter concern is especially troubling since the Secretary is required under the Northeast Rail Services Act (NERSA) to negotiate a plan with a purchaser which insures continued rail service in the Northeast.

Conrail's profits reached a record of $313 million in 1983. Let us not jeopardize the continued viability of this profitable and self-sufficient freight system. Section 206 of H.R. 3648 does just that. It threatens not only a successful sale of Conrail in one piece, but also jeopardizes the thousands of jobs in Conrail's work force and continued service to shippers and consumers in the Northeast.

Mr. Speaker, I include in the RECORD at this point the Administrator's testimony before the Senate Appropriations Committee.

TESTIMONY OF JOHN H. RILEY, FEDERAL RAILROAD ADMINISTRATOR, BEFORE THE COMMITTEE ON APPROPRIATIONS, SUBCOMMITTEE ON TRANSPORTATION, U.S. SENATE, WEDNESDAY, MARCH 7, 1984

Mr. Chairman. I appreciate the opportunity to appear this morning, and actually, this is somewhat of a homecoming for me. It's the first time I've appeared before a Senate Committee since I left Senator Durenberger's office to be confirmed as Federal Railroad Administrator. I have vivid memories of being on the Senate floor during debate on the Northeast Rail Services Act (NERSA) three years ago, and I know the contribution that the Chairman and Senator Chiles made to that legislation. This is an appropriate time to review the progress the Department of Transportation has made in implementing the responsibilities it acquired under NERSA, and I'd like to begin this morning by updating the Committee on the status of the Secretary's efforts to return Conrail to stable, private sector ownership.

Let me make clear at the onset that Secretary Dole has no intention of exercising the power the Department acquires on June 1, 1984 to break Conrail into pieces and auction off its lines. Whether one approaches this issue from the perspective of—

A shipper seeking single line service, or

A government not wanting to sell the best lines and hold the rest.

A piecemeal auction of Conrail's lines does not serve the public interest. We believe an entity sale is achievable, and that's the option we intent to pursue.

Last November the Department adopted a new marketing strategy to capitalize on Conrail's improved profitability. It featured three elements:

(1) A presentation by the Federal Railroad Administrator to the Presidents of all Class I railroads that interconnect with Conrail.

(2) An intense effort by Goldman Sachs to contact every nonrail company with the capacity to execute a Conrail purchase. We defined that class of companies as those with $1 billion or more in assets, and $300 million in net income. There are 64 companies in that category. In each case where a party expressed interest in Goldman Sachs' presentation, follow-up was made jointly by FRA and senior Goldman Sachs officials.

(3) An intensified follow-up on all contacts received from companies or individuals falling outside categories one and two.

The Secretary believes that the public interest as well as the plain intent of NERSA require us to develop the broadest possible range of options before narrowing to the choice of a single purchaser. And like any intelligent seller, we intend to get all available options on the table before beginning the narrowing process. The contacts made in November and December have helped immensely in moving us toward that objective.

We have received an offer from the Railway Labor Executives' Association (RLEA), and public expressions of interest from three major rail carriers—Norfolk Southern Corporation, CSX Corporation, and Santa Fe Industries, Inc. We are also meeting with a half-dozen additional parties who have expressed an interest in Conrail, but not yet taken action or public steps toward pursuing a Conrail acquisition.

The Secretary's efforts to locate additional buyers do not imply dissatisfaction with either the RLEA offer or the level of interest expressed by carriers who have made public announcements. They are simply a reflection of the fact that DOT has a duty both to Congress and to the nation's taxpayers to explore every possible purchase option before determining which alternative best meets the public interest.

If we have options—and I believe that DOT will have options—we will judge their merit by three criteria:

First, we will favor the purchase option that leaves the railroad in the strongest financial condition after the sale. The reason is obvious—we want to insure that Conrail has the greatest financial capability to preserve service for states and shippers over the long-term. To say the same thing another way, we believe that the plain intent of NERSA requires us to pursue the option that offers the least possibility of the railroad returning to the Federal government in the future.

Second, we will favor the option that best protects service patterns to shippers and communities in the Northeast.

Finally, we will favor the option that is consistent with the previous criteria, and offers the maximum return to the United States. The Secretary would not favor the plan with the highest rate of return to government if it were seriously at odds with the public interest criteria I've outlined.

The options for a Conrail sale break down into three general categories.

The first, and the best option, is the so-called "deep pocket"—a purchaser that brings Conrail financial strength or additional resources that improve its chance of sustaining service and profitability over the long-term. You can create that deep pocket effect in a variety of ways:

By bringing Conrail additional cash or borrowing power.

By merging Conrail with an adjoining route system that improves its cash flow by strengthening its traffic base.

By altering work rules or labor contracts in a way that strengthens the company's cash flow.

The median option is the use of a public offering to sell all or part of the Conrail stock. It doesn't bring anything to the railroad, and at least in theory it doesn't take anything away. We have probably spent more time and resources attempting to resolve the legal and logistical problems surrounding a public offering than we have on any other issue. It is an option we are considering either in its own right or as part of a larger transaction. At the same time, I have to tell this Committee we have serious reservations on whether the use of a public offering to sell the major portion of Conrail's stock is consistent with the public interest criteria we are committed to meeting in this transaction. There are several reasons for that concern.

The first is timing. Goldman Sachs has advised us that even under optimal market conditions, it would take at least several years to complete a phased public offering of Conrail stock. If market conditions should change, or the economy should slip into recession, the time frame could grow longer, even indefinitely longer. At best, this is inconsistent with the intent of

NERSA that Conrail be returned to the private sector at the earliest opportunity. At worst, it would leave the Federal government a minority shareholder in a publicly held company—an obviously undesirable situation.

Some have suggested that a buyer could resolve the problem by contracting, say, a billion dollar loan against Conrail's assets, using it to underwrite the entire offer, buying government out up front and reselling the stock to the public over a period of years. The problem with this approach is that it's really nothing more than a leveraged buy out in the cloak of a public offering. Debt service on the loan would destroy Conrail's finances, and any shortfall on anticipated stock yields would create a multimillion dollar financing gap capable of driving Conrail back to the Federal government.

There is a second, and in my opinion, more significant problem with a public offering. I believe that we have a clear public interest obligation to know who we're selling this railroad to. We need to make judgments on the adequacy of the buyer's finances, and place reasonable conditions in the contract of sale to ensure that the railroad will not be looted, cherry picked, or liquidated. That's impossible in a broad based public offering. Any party with access to several hundred million dollars cash can walk up to the counter and buy a controlling interest in the railroad. And because there is no sales contract, we have little ability to write protective conditions into the transaction. We believe we owe the public and the Congress more than that scenario enables us to deliver.

It is true, at least in theory, that one could partially mitigate these concerns by restricting the stock or limiting the format of the public offering. But that leads to the other horn of the dilemma, because Goldman Sachs has advised us that utilizing these types of restrictions would severely diminish the value and saleability of the stock.

We are continuing to work on solutions to these dilemmas and still consider the public offering a potential option.

The final sale option is the so-called leveraged buy out, through which a seller would in effect buy Conrail with its own money by using Conrail's cash or assets as collateral for a mortgage. That option would leave Conrail a significantly weaker company, and we view that option as against the public interest.

Before concluding, Mr. Chairman, I want to outline the procedures the Secretary intends to follow when we do have potentially acceptable offers on the table.

I believe we have a good sense of who the potential actors and non-actors are, and when we have received one or more offers that we believe to be in the public interest, the Secretary will establish a cutoff date for the submission of competing purchase proposals. After that cutoff date, the Secretary will confer with the leadership of both Houses, both Majority and Minority on those options.

Following that consultation, the Secretary will recommend to the Congress the option she believes to be most consistent with the public interest. It's clear that under NERSA, Congress will have at least 60 legislative days to review the proposal. I also want to tell the Committee that in all our discussions to date with potential purchasers, we have been unable to envision a purchase scenario that would not require some form of implementing legislation—either to resolve the issue of the contingency notes, or to provide the kinds of protection and definition that normally follow an ICC proceeding.

We are all optimistic that the consultations between the Secretary and the Congress preceeding submission of a plan will produce a consensus solution. If they do not, the Secretary will make her best judgment on what is consistent with the public interest, and Congress will have to work its will.

What's the timing? It's difficult to say at this point, since it is really the decision of the buyers to offer or not offer that drives the process. We have no artificial deadline on the sale, and I can honestly tell you that throughout my tenure at DOT, I have yet to hear even a discussion of deadlines, much less election year deadlines. The recent flurry of activity by Norfolk Southern Corporation, CSX Corporation, and a number of other potential buyers has left me optimistic that the process could move fairly rapidly.

If it does, we have no intention of abandoning potential buyers by forcing artificial delays on the process. It's also essential to bear in mind that the Northeastern states lose approximately $25 million in taxes each year that Conrail remains in government ownership—that's more than $2 million a month, a high price to pay for delay. And of course we feel an obligation to do everything we can to resolve the uncertainties now facing shippers, employees, and communities being served by the Conrail system.

Conversely, to have no intention of rushing toward a sale if it does not meet the public interest criteria we've defined. Secretary Dole has had ample opportunity to contrive a quick solution. She has declined to do so. Our interest is to execute the sale that best protects the public interest, and we look forward to working with this Committee to achieve that objective.

Let me close, Mr. Chairman, by restating my standing offer to update any member of Congress, or congressional staff, on the status of Conrail negotiations at any time. I have been on the Hill for briefings an average of every other day since Congress reconvened, and my office is never more than a telephone call away.●

THE PLIGHT OF THE FARM WORKERS

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. TORRES. Mr. Speaker, last September you announced that the Simpson-Mazzoli immigration reform bill would not be scheduled for consideration by the House at that time. Farmworkers across the country hailed your actions because of the bill's H-2 provision which establishes a Federal project that brings temporary, foreign farmworkers to the United States.

U.S. farmworkers have bitter memories about the former U.S.-Mexico bracero program of the 1950's and 1960's. The bracero program also allowed the temporary importation of foreign farmworkers. The H-2 provisions in Simpson-Mazzoli rekindles that bitterness among farmworkers.

Mr. Speaker, the following statement by Cesar Chavez, president of the United Farm Workers of America (UFW), succinctly articulates his views on this subject and I submit his comments for my colleagues to review.

The statement follows:

SPEECH BY CESAR CHAVEZ, PRESIDENT, UNITED FARM WORKERS OF AMERICA

On September 11, more than 2,000 Salinas Valley farm workers marched down U.S. Highway 101 to a spot south of Chualar to mark the 20th anniversary of a bus accident that killed 32 bracero laborers.

The braceros, imported from Mexico to work on Southwest farms as part of a U.S.-sponsored program, died when a bus converted from a flatbed truck drove in front of a freight train. Conversion of the bus had not been approved by any government agency. Its driver had "tunnel" vision.

Most of the victims' bodies laid unidentified for days since no one, including the grower who employed them, knew their names. Finally, a team of FBI agents was flown in from Washington to help in the identification. A congressional report on the accident commented on a "certain laxity towards matters of life and death that for years has pervaded the (bracero program) . . ."

Following a memorial mass held at the railroad crossing where the braceros died, I told the assembled workers, mostly members of our United Farm Workers of America, that these accidents happened because of a farm labor system that treats us as if we are not important human beings. Farm workers will never again be treated like agricultural implements, like beasts of burden, to be used and discarded, I said.

Yet, even as farm workers honored their dead colleagues, Congress—which ended the bracero program in 1964, partly because of incidents such as the 1963 bus crash—was debating a bill that could revive many of the injustices associated with the old bracero system.

In September, House Speaker Thomas "Tip" O'Neill, responding to appeals from Hispanics nationwide, announced a bill sponsored by Sen. Alan K. Simpson, (R-WY) and Rep. Romano L. Mazzoli, (D-KY) is dead for the rest of the current session of Congress.

Farm workers welcomed Speaker O'Neill's announcement because a key provision in the Simpson-Mazzoli proposal, inserted at the request of powerful corporate growers, would dramatically expand the H-2 program, a federal project that brings "temporary" foreign workers to the U.S. to fill alleged job shortages in agriculture. H-2 workers have been used in limited numbers in Florida and some eastern seaboard states, but rarely in the West.

Western growers have been reluctant to seek H-2 workers because of minimum wage, housing and working condition standards set by the federal government which employers must meet. The law also demands that domestic workers be given first pick at jobs. The Simpson-Mazzoli bill would enable growers to evade these minimum protections, which are inadequately enforced even under the present system. Like the old bracero program, the fate of H-2 workers, under Simpson-Mazzoli, would be left in the hands of growers.

Agribusiness, backed by the Reagan Administration, had sought to revive the bracero program or enact a similar system of imported labor under a new name—the guest worker program. But stiff opposition from labor and minorities forced growers to try to achieve the same result by bolstering the H-2 program.

Recently, Fresno area growers lobbied for a more "flexible" foreign worker program at a $100-a-person fundraising dinner featuring Rep. Mazzoli. Before the dinner, which benefited the California Grape and Tree Fruit League, a bitter enemy of farm worker organizing for decades, Mazzoli discussed his bill with league members, labor contractors and labor consultants who are hired by growers to break unions.

Growers base their case for foreign labor on the myth that there are not enough domestic workers to meet job needs. But unemployment data kept by California's Department of Employment Development shows joblessness in most major farming communities continues to run much higher than state or national rates. The August, 1983 jobless rate in California was 9.8 percent; nationally it was 9.5 percent. But unemployment in many farm counties was greater: 14.3 percent in Stanislaus; 13.7 percent in San Joaquin; 11.7 percent in Kern; 41.8 percent in Imperial. These figures are undoubtedly conservative since they don't reflect undocumented workers who rarely visit state unemployment offices when they are out of work.

A top state EDD official told a U.S. Labor Department hearing a few years ago that the monthly state farm labor reports have "shown consistently over the past years that there have been no real agricultural labor shortages in California and that no foreign workers have been needed to harvest California crops."

During most of the year, and especially at harvest time, thousands of unemployed farm workers seeking jobs place their names on waiting lists in our union's California hiring halls.

Agribusiness and its allies in Congress deceitfully claim that an expanded H-2 program is one way to solve the problem of illegal immigration. Various numbers of H-2 workers are projected if a foreign worker program is enacted, including a proposal that 100,000 laborers come to the U.S. during the initial phase of the program. But what about worker number 100,001, who is not lucky enough to be included in the program? Will that worker refrain from crossing the border if he or she is immigrating out of pressing economic need? It is also important to remember that foreign laborers will be imported on top of—and not in exchange for—the undocumented workers who are already here.

The real problem we face in farm labor is not labor shortages, but job shortages! Why, then, do growers push so hard for foreign workers?

Since its beginning over 100 years ago, California agribusiness has maintained a steady surplus of cheap and expendable labor supplied by succeeding waves of immigrants. This surplus, typified during the bracero era when domestic workers found it nearly impossible to compete for work with the low-priced, compliant braceros, has kept wages and working conditions depressed and helped growers resist unionization.

Many west coast farm workers believe the growers' enthusiasm to import hundreds of thousands of foreign laborers under the Simpson-Mazzoli bill is related to improved wages and benefits they have won since the mid-1970s through the union's efforts. In 1975, California passed a pioneering law—the first in the nation—guaranteeing collective bargaining rights for field workers. Farm workers are convinced that what really lurks under the surface of the growers' push for foreign labor is a desire to return to that carefree time, before the law and the UFW, when farm workers could be treated like other agricultural implements . . . to be used and discarded.●

AL LOWENSTEIN REMEMBERED THROUGH 1969 NEWSDAY ARTICLE

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. WEISS. Mr. Speaker, 4 years ago today we suffered a tremendous loss when Allard Lowenstein was shot to death in New York City.

Al Lowenstein, who served in the House from 1969 to 1971, fought injustice all his life, whether he found that injustice around the corner or halfway around the world.

I had the privilege of his friendship for almost 25 years. My association with him in some of the many important causes to which he was dedicated provided special joy. The memory of his violent death will always cause my heart to ache.

In commemorating this anniversary, I would like to share with my colleagues an article Al Lowenstein wrote for Newsday on August 26, 1969, shortly after he returned from a 3-week trip to Europe and Southeast Asia.

This report presents Al's observations during his visit to Prague, Czechoslovakia, on the first anniversary of the Soviet invasion of that country. I believe it is especially relevant today when tyrannies of the left and the right still hold sway in much of the world. American policymakers would do well to read this article as they continue to support regimes grossly violative of their people's human rights simply because those regimes claim to be anti-Communist.

The article follows:

[From Newsday, Aug. 26, 1969]

TYRANNY IN WENCHESLAUS SQUARE

(By Allard Lowenstein)

Like most Americans, I was outraged by the Soviet occupation of Czechoslovakia last summer.

Of course, Soviet officials have always insisted that the Western press distorted the situation. As recently as last week, I was told in Moscow that the Red Army was sent into Czechoslovakia at the request of the Czech people.

If this were the case, August 21, the anniversary of the arrival of the Red Army, would be quite a festive occasion in Prague. I decided to go there and see for myself. Tom Engel, a student from Port Washington now at Columbia Law School who has done some work for me this summer, came along. We each paid our own way.

The 21st turned out to be a lovely enough day in Prague, if loveliness can be said to survive what men do to it, but the situation was tense and ugly. We spent several hours going from place to place, talking with people, as many as we could, in the crowds that were gathering in the inner city. We were careful to avoid doing anything that might get us involved in any kind of demonstration. In the afternoon, in order to cover more ground and be in more places, we traveled about separately, and arranged to meet at six o'clock to go to a reception at the American ambassador's residence.

At 5:35 p.m., Tom vanished, though it was hard to be certain that he had vanished for some time after that. I spent much of the time from 9:30 on through the night with members of the embassy staff, trying to find some trace of him, in hospitals and police stations and on the streets. It was a fascinating way to see Prague that night, but there was no sign of Tom. As it turned out, no one was to hear from him until he turned up at seven o'clock the next morning with the news that he had been arrested while walking—alone—on the Pariske, a street near the old town square where the statute of the martyred fifteenth-century religious leader Jan Hus was looking down on another of the sad events that have made such a wretched mess of this beautiful old city.

Tom had been pushed into a paddy wagon and ended up at a police station with some 100 other people, all but three of them Czechs and most of them young. The arrests seemed random. Guards beat heads, shoulders, and knees until everyone was offloaded at a police station. There, Tom established the fact that he was an American. After that, he and two Italians—a Communist journalist-photographer and his wife—were spared further roughing-up.

No one, however, was allowed to phone or contact anyone outside the station, and the Czech prisoners were abused and threatened, sheared if they had long hair, and beaten fiercely from time to time. The noise of small-arms fire and tear-gas explosions came through the windows. For three hours all men in the group were forced to stand erect and were prodded with clubs if their posture displeased a guard.

At 3:30 a.m., Tom was moved across the city to the visa and consultate section, where he was interrogated for three and a half hours in English. He was told he would not be released or allowed to telephone anyone until he signed a statement and the interrogation was concluded. He dictated a statement in English, which was translated and presumably transcribed.

At 6:30 a.m., he was presented with a typed document that was described as his statement. The document was in Czech. Tom speaks no Czech. He asked for reassurances that the typed document said, in fact, what he had said in English. He was assured of this and signed the statement.

What Tom experienced, as frightening and upsetting as it was, of course, was nothing compared to what was endured by thousands of Czechs during the anniversary period. Several died, hundreds were injured, thousands were tear-gassed or arrested without charges (and without the relative shelter of a foreign passport).

No one knows how many people were shot at, but sixty tanks and thousands of armed men in uniform made sure everyone knew guns were for shooting. The state radio said

all this was necessary to maintain law and order in the face of provocation by a few "counterrevolutionary hooligans."

"The worst thing about the whole night," Tom said later, "was the wholesale terror that the police exercised over everyone crowded into that room. Every few minutes some policeman—usually young and more than a little sadistic—would walk around and rough someone up. No one knew who would be next, or why. The gunfire outside and the tear gas coming in through the windows added to the terror, because you never knew what was happening to the city outside.

"From time to time, more Czechs would be brought in and beaten savagely. You could hear the slap of the truncheons and the cries from the next room. Everyone wondered, silently, when would all this stop. We felt very much together—united by fear, but also by the most basic hate I've ever felt.

It has been reported that I was teargassed several times during the long hours of August 21. That is true. So was virtually everyone else who was in the streets or by an open window.

Trams and other public transport were all but deserted in support of the boycott appeals circulated clandestinely by opponents of the government. The Soviet Embassy and Communist Party headquarters were cut off from public access and guarded by tanks, trucks, and heavily armed men. Thousands of people lined the streets to stand up and be counted. They chanted "Gestapo" when they saw uniformed men, and whenever they could, they sheltered their young, who, doing the most to protest the occupation, were most in need of protection from the occupiers.

The behavior of the authorities confirmed everything the Czech people wanted the world to know: that this government exists only by using force against its own people, and that the Soviet invasion of Czechoslovakia stinks as bad now as it did a year ago.

It is the great fortune and the curse of Bohemia that sky, hills, soil, and river blend there to make a fertile, rolling countryside, hospitable to a sensible and friendly people and inviting to greedy, bigger neighbors, east and west, who constantly find pretexts to march in and take what they want.

Nobody questions the good sense and good will of the Czechs, or the good use they have made of their countryside. Some have questioned their courage. But it was not Czechs who caved in at Munich, and it was Czechs who died in Lidice. Jan Masaryk was a Czech, and so was Jan Palach, the former a foreign minister, the latter a student who set himself on fire last year. Both gave their lives to damn the traducers of their pleasant and productive land.

And on the anniversary of the latest intrusion, thousands of their countrymen risked police retribution to overwhelm their graves with flowers and candles. The rest of us would risk nothing to curse the darkness that makes it necessary for people to light candles at martyrs' graves to say that they want to be free in their own land.

I have been asked if it was worth going to Prague in such circumstances. Clearly, it would not have been if Tom had ended up in prison for a long time, or if something worse had happened to him. But we were lucky, and I am very glad we went.

It was useful, too, to be reminded that against Communist tyranny, as against any tyranny, decency has a life of its own that gives strength and hope to the victims of brutality.

It was useful, too, to be reminded in so personal a way how unacceptable life is in a police state. One wonders if America is entirely immune to the siren call of those who would "maintain law and order" by causing people they disagree with to vanish, by saying who will wear their hair how, even by shooting at unarmed people on whim. Today, the Czech government announced that more police than civilians were injured during the anniversary festivities, thus proving that the police were not at fault. There was not a word of thanks to Mayor Daley for using this line.

Prague on August 21 would have been good medicine for any American who might be tempted to think that somehow we would be better off if we could cut the First Amendment, whether by official arrogance or by citizen anarchy.

I am also glad we were there because I am glad there were Americans, Italians, and others who stood with the Czechs, even if only as spectators; who shared briefly a few of their risks, if only because bystanders were not allowed to be bystanders; and who shared briefly their detention, if only until passports separated those who could leave from those who could not.

August 21, 1969, was an atrocious day for everyone concerned—for all men who want justice and peace on earth; for the leaders of the Soviet Union and for Communists generally, who profess to abhor imperialism, and who cannot possibly believe their cause is helped by displays like this; and, above all, for the Czech people, who have already suffered far too much during the past three decades.

I left Prague sickened and angry that my country's credentials to cry out against the horror I had seen there have been so badly eroded by our own conduct in Santo Domingo and Vietnam, by the tear-gassing at Berkeley and police wantonness in the streets of Chicago.

I left grateful again for the remarkable unity and energy of the rising generation, throwing itself everywhere into the effort to change attitudes and practices that have hobbled men as far back as we know our story.

It is often said that using billy clubs on American campuses radicalizes students. Using billy clubs in Prague anti-Communized students. There ought to be a lesson in that, if anyone can see a little further than the end of a billy club.

Finally, I left Prague wondering if the central fact is not simply that it's high time all of us showed how tired we are of people being beaten, gassed, and shot because they want to breathe free, whether they are in Orangeburg, Johannesburg, Madrid, or Prague.●

TRIBUTE TO ALLARD LOWENSTEIN

HON. DOUG WALGREN

OF PENNSYLVIANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. WALGREN. Mr. Speaker, today is the fourth anniversary of the death of Allard Lowenstein, one of our democracy's true leaders who was killed by a demented individual whose mind had been twisted by the very forces of injustice that Allard had devoted his life to working against.

Eleanor Roosevelt wrote of him: "I think he will always fight crusades because injustice fills him with a sense of rebellion. He wants to be of help in some way * * *."

He himself said, "Lawfulness and patience are fine qualities. But they are not the only fine qualities. Indignation at unfairness and determination to make things better are fine qualities as well." Allard's life gave new meaning to what it means to be a citizen. He served our country in many ways; as an an Ambassador at the United Nations, as a Representative in Congress, and as an involved individual.

His grave in Arlington Cemetery reminds us of the reality that, "if one man stand on his convictions, and there abide, the whole world will come round to him." And, like Will Rogers, you can be sure he has his eye on the House of Representatives.

The following description of Allard, by Arthur Schlesinger, Jr., is from the foreword of the book: "Lowenstein: Acts of Courage and Belief," edited by Gregory Stone and Douglas Lowenstein. It is worth reading.

FOREWORD

This book illustrates the remarkable impact the life of Allard Lowenstein had on a generation of Americans.

With his gifts of leadership, sympathy, and intellect, Allard Lowenstein would have made a difference in any age. But he came along, one feels, in an age that peculiarly suited his talents and concerns. Born in 1929, he was sixteen years old when Franklin D. Roosevelt died—too young for the New Deal, a cheerful and untidy time he would have greatly relished; yet old enough to find his way to Frank P. Graham and Eleanor Roosevelt and serve an early apprenticeship in the liberal tradition.

As an undergraduate at the University of North Carolina in the 1940s, he observed at first hand the workings of the segregation system. The Yale Law School in the 1950s gave him an understanding of constitutional process and possibility. Thereafter, on university faculties he developed his skills as a teacher of the young. But he was by temperament an activist. He was never content simply to discuss and document the inequities of society. His commitment was always to redress and remedy.

He sensed the currents of discontent and idealism that accumulated under the stagnant surface of American life in the 1950s and that began to break through in the Kennedy years. He responded, a little earlier that the rest of us, to the bitter failures of the society—to racial injustice, to the Vietnam war, to the misery of the poor and powerless, to the plight of a radicalism that had lost its bearings. A man without fear, he toured the fighting fronts from Mississippi to South Africa in the unending battle against oppression. Returning to his recruiting grounds in the universities, he brought eyewitness testimony of suffering and of heroism. With casual, rumpled eloquence he inspired the young to live the next years of their lives on behalf of others. Hundreds hearkened to his words, and enriched and transformed their own lives.

He did all this within a larger philosophy of social change. He was sure that the

energy released in the turbulence of the 1960s could be turned from destructive to constructive uses. A man of reason, he abhorred violence; a realist, he understood that violence sundered the bonds of humanity and defeated its own objectives. His mission in the 1960s was to replace violence by persuasion and to incorporate the disordered wrath of the New Left into the constitutional framework of American political action. He never forgot that democracy is the discipline of consent.

Allard Lowenstein was a rare combination of generous passion and acute intelligence. Wholly devoid of meanness and of pomposity, he radiated candor, humor, and sweetness. With his faith in reason, he believed in dialogue across the barricades and commanded the respect and affection of political and intellectual adversaries. He called for action but not for action's sake. He knew that unbridled emotion could not cure the complex ills of modern society, that sentiment, however virtuous, was no substitute for substance.

He was the supreme agitator of his day. Agitator is a noble word that has too often carried a bad connotation in America. Allard Lowenstein was an agitator in the highest sense—a man who touched the consciences of his fellow citizens, educated their sensibilities, and drew forth their capacity for humane action. "Those who profess to favor freedom, and yet deprecate agitation," as Frederick Douglass said long ago, "are men who want crops without plowing up the ground, they want rain without thunder and lightning."

Allard Lowenstein plowed up the ground and sowed seeds that will come to fruition for the rest of the century. The spectacle of man's injustice to man never destroyed his confidence in democracy's capacity for self-correction. He lived in perpetual commotion, but his apparently inexhaustible vitality sprang from a serene optimism about humanity. His exalted vision of democratic potentiality and his imperturbable confidence in human reason left a rich legacy to which this book bears moving testimony.●

PEACE PLAN FOR NORTHERN REPUBLIC OF CYPRUS

HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. STANGELAND. Mr. Speaker, enclosed is a peace plan submitted by President Rauf Denktas of the new Northern Republic of Cyprus, the plan is designed to set up a federated, bizonal State of Cyprus, and proposes to take immediate steps on his part to put Nicosia International Airport and parts of Varosha under U.N. administration enabling Greek Cypriots to return there.

The United States should view this peace plan as a positive step in the right direction, and equally should the United Nations.

STATEMENT BY THE PRESIDENT OF THE TURKISH REPUBLIC OF NORTHERN CYPRUS, HIS EXECLLENCY MR. RAUF R. DENKTAS, CONCERNING THE GOODWILL MEASURES PROPOSED BY THE TURKISH CYPRIOT SIDE

I. THE GENERAL OUTLOOK AND APPROACH OF THE TURKISH CYPRIOT SIDE

On 15 November 1983, we the Turkish people of Cyprus, while exercising our right to self-determination for constructive purposes, extended our hand to the Greek Cypriot people in peace and friendship in order to bring to an end, once and for all, the 20-year old political uncertainty in this Island and to reach a final solution to all the problems between the Turkish Cypriot people and the Greek Cypriot people. We left the door open for the establishment of a new partnership, within the framework of a federation between the two peoples living on the island, and we have expressed our genuine wish and determination to reach a just and lasting solution within the spirit of a conciliatory approach. We are two peoples destined to live side by side on this island. No matter how wide apart our present points of view might be, this fact cannot be changed either by us or by the Greek Cypriots. The continued state of tension between us, at a time when we should rather be trying to resolve our differences, and continuing to behave in a manner inciting enmity between the two peoples are very harmful and constitute an obstacle to progress towards a final federal solution. For reasons we maintain that we must build up our relations on a constructive basis. Let us work with determination towards a final compromise and reconciliation. Let us direct our efforts towards positive ends and steadily proceed in that course. Let us abandon negative attitudes geared towards destroying each other. Let us not forget that others cannot take decisions on behalf of the two peoples of Cyprus, and that only through our own efforts, treading the same path together and helping each other, shall we be able to proceed towards a federal solution. I, therefore, invite the Greek Cypriot side to tread with us the same constructive and peaceful path by passing through the door we are still holding open for them.

Today, I should like to extend to the Greek Cypriots the following proposals of goodwill, so that the first steps could be taken towards a comprehensive solution of our problems. I am also informing the Secretary-General of the U.N. of these proposals and kindly requesting him to help both sides within the framework of his mission of good officers, which we fully support, so that these proposals could be implemented.

II. TURKISH CYPRIOT PROPOSALS ON VAROSHA

1. The Turkish Cypriot side reiterates its readiness to engage in negotiations on its proposals of 17 November 1983 concerning Varosha and the Nicosia International Airport with the Greek Cypriot side. Holding of negotiations on these issues will be without prejudice to the respective positions of the two sides with regard to each other's political status.

2. Varosha and the Nicosia International Airport are two separate issues neither of which constitute a precondition for the other.

3. As a concrete proof of its desire and intention to speedily tackle and resolve the Varosha issue, the Turkish Cypriot side accepts in principle to place the sector to the east of Dherinia Road and extending in the south up to the Greek Cypriot forward defence line of the Varosha area as defined in the Turkish Cypriot map of 5 August 1981, under an interim United Nations supervision and administration. The modalities and conditions of this transfer shall be determined between the Turkish Cypriot side and the United Nations.

4. The interim United Nations supervision and administration to be established in the sector of Varosha as defined above shall not prejudice the final political status of the area and it shall continue until a final comprehensive political solution of the Cyprus problem.

5. The question of Greek Cypriot resettlement in the Varosha area as defined in the Turkish Cypriot map of 5 August 1981, shall be considered, as stipulated in points 5 of the Denktas-Kyprianou summit agreement, simultaneously with the beginning of negotiations for a comprehensive settlement, and after agreement has been reached on the resettlement of Varosha under an interim United Nations supervision and administration, such agreement will be implemented without awaiting the outcome of the discussions on other aspects of the Cyprus question.

6. The opening of the area as defined in the Turkish cypriot map of 5 August 1981 to Greek Cypriot resettlement under an interim United Nations supervision and administration shall not prejudice its final political status.

7. The Turkish Cypriot side is ready to discuss and finalize the details of this proposal with the Greek Cypriot side and with the United Nations.

III. THE OPENING OF THE NICOSIA INTERNATIONAL AIRPORT

1. On 17 November 1983 he had proposed the re-opening of the Nicosia International Airport to civilian-traffic under an interim U.N. administration for the mutual benefit of the two sides in Cyprus.

2. In this way, the Turkish Cypriot side accepts handing over of the airport by the parties, to the interim U.N. administration, without insisting that the airport be administered by the parties themselves, on the basis of equality.

3. The Turkish Cypriot side considers that the opening of the airport under U.N. administration will be to the benefit of the two sides, as a factor contributing towards the creation of an atmosphere of goodwill and mutual trust.

4. The Turkish Cypriot side is ready to discuss and finalize this issue with the Greek Cypriot side, or failing this, with the U.N.

5. The Turkish Cypriot proposal concerning the airport does not constitute a precondition for other steps aimed at the creation of an atmosphere of goodwill in Cyprus.

IV. THE REACTIVATION OF THE COMMITTEE ON MISSING PERSONS

In order to finalize the humanitarian issue of missing Turkish and Greek Cypriots, we propose that the Committee on Missing Persons, set up in 1981, be re-activated, in accordance with the "terms of reference" agreed to between the two sides, and for this purpose we request the third member of the committee, Mr. Pilloud—the ICRC representative—to come to Cyprus at an early date. As a matter of fact, last November, we had already informed Mr. Pilloud that the committee could be re-activated immediately, that the Turkish Cypriot side has ready to participate in its deliberations, and that, the procedural obstacles impeding the re-activations of the committee

had been removed by the conciliatory proposal he had made to the Turkish Cypriot side. We believe that it is possible for the committee to meet in the future to investigate and finalize this issue of mutual concern, within the framework of humanitarian considerations. We now invite the Greek Cypriot side to declare its readiness to participate in these deliberations of the committee.

In the following parts, President Denktas summarized his proposals for a general framework of relations between the two sides for progress toward a final settlement.

It called for the acceptance of peaceful means to resolve differences, ending of all hostile propaganda, the establishment of a joint economic and technical commission to study a bizonal federated solution in regard to trade, tourism and travel, municipal problems, water supply and preservation and environmental problems.

He also proposed the teaching of the other language as second language in the schools to organize common seminars, cultural and sport events and that both sides benefit equally from all economic, financial and technical assistance awarded to the island and that neither side shall interfere with the extension of credit or other financial facilities by international lending institutions. Finally, he called for a study to organize a national, bi-lingual university for Cyprus.●

STRUGGLE FOR FREEDOM

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. JACOBS. Mr. Speaker, Edmund Burke said that "civilization progresses because young men die for their country and old men plant trees under which they will never sit."

Our dearly departed colleague Allard Lowenstein quite literally died for his country. His death was a direct and proximate result of his selflessly active leadership in a struggle for freedom. That struggle was not one conducted against some fabled evil nation abroad, but against the evils of bigotry and hatred at home.

On this, the fourth anniversary of the assassination of Al Lowenstein, his words about the effective nature of sacrifice for a noble cause are as fresh as the 1980 spring flowers whose fragrance fate denied him.

LOWENSTEIN: ACTS OF COURAGE AND BELIEF

(Edited by Gregory Stone and Douglas Lowenstein)

FREEDOM SUMMER REVISITED

(Address, Tougaloo College, Oct. 30, 1979)

Many disagreements, animosities, and emotional scars were produced in the crucible of the civil rights movement in Mississippi, lasting often into the next decade. Some bitterly accused Lowenstein, Joe Rauh, Bayard Rustin, and others of working to co-opt and subvert the movement, charges that were dismissed by others.

In the fall of 1979, a retrospective conference on the movement, which was punctuated by disputes over its strategies and achievements, took place in Jackson, Mississippi. Speaking on a panel during the first night of the event, Lowenstein devoted part of his remarks to perspectives that might be applied to the meaning of the freedom struggles.

One of the great problems with dealing with the realities of history is that, as with Rashomon, everybody's version of what happened differs. But I would hope that everybody who was involved, who took risks with their lives, and who went through the ugliness of that period, could share in the sense that there are things that do unite people even when there are differences as to goals or even achievements.

I think there was a sense we shared in those very peculiar times that whatever our differences were, there was a unity against a very central evil, and that evil has, to a degree which would have seemed impossible when we first came, been extirpated in its legal form. That, I think ought to be understood as something which the citizens of Mississippi, black and white, have benefited from. If we don't acknowledge that those changes have occurred, I think we first arrogate to ourselves the right, which we don't have, of judging for many other people what they feel about their lives. We also mistake what the facts are.

I remember one night that has been for me, through all the events of my life since, a major force in the shaping of what I wanted to do with my life. It was a night on Lynch Street in SNCC headquarters with Stokely [Carmichael] and others, when we were told that we would all be killed, as people circled with guns and shot into the place. And the fact that we all lived through that night together, maybe it's maudlin to say, but it makes me feel that whatever my disagreements are with Stokely and the others, they are forever in my life a band of brothers with whom I share a deep sense of gratitude, affection, and respect. That will not change, however our paths may have gone in different directions since then.

I wish Dave Dennis was here, and many of the early SNCC people, but Bob Moses more than anybody, because in that period, if there has been no Bob Moses there would have been nothing. It was Bob Moses everywhere. It was Bob Moses, the towering figure whose presence gave people, in the face of such fear that they didn't know whether they could go to bed at night, the sense that if he could be calm and strong and wise, we could get through what was going on. Nobody who lived through that experience would ever feel, I think, that there's any way that we could ever repay the debt we owed to those people we found here.

I think every person who came to Mississippi from outside knew that they learned more, grew more, and experienced a kind of love and wisdom from people in Mississippi that they would never have had and they took away infinitely more than they ever could bring. I think all over the world people are better people in their effort to reduce human suffering because they had that tremendous opportunity of being in this state with people who, though oppressed, loved, and though faced with enormous adversity managed to have a community that had happiness in it.

It did raise basic questions to a lot of people, because they didn't find the white community in Mississippi that they came to see. They didn't find that they identified with it, they didn't find that this was what they wanted to be like or have their country like. They found the opposite. They found themselves embarrassed that white people could behave the way these white people were.

They came with a sense that somehow America wasn't that—that was aberrational. They came with the feeling that they wanted to put whatever they could contribute into the pot to try to change that injustice. And the fact that they were able to contribute, even as minutely as their time here might have contributed, was, I think, a tribute to the innate quality in people that Martin Luther King reached for so many years. Because it was something which fundamentally changed the face of the South, not as much as it needs to be changed, not as much as we wish it could be, but a great deal from the time that all of us grew up in it or went to school in it.

That Mississippi experience was a very important process for the United States to go through because we owe to Mississippi, in addition to the personal adventures that were part of our lives forever afterward, some very basic lessons about America that we didn't know before. They had to do with the inherent ways in which the oppression of white people was more a concern than the oppression of black people. They had to do with the political indifference that was visited on people if they didn't have the right to vote. They had to do with what came to be perceived as a necessity to deal with economic as well as political injustices, because that too had to be faced very clearly.

Since that very difficult beginning, ideological differences did become very significant, and those differences occur wherever you have oppressed people trying to change their circumstances. If you think about what was going on in Spain, where people had a common war against a fascist government, there were terrible differences within the opposition to Franco which ended up as a civil war within the republic. There's always the problem when you're facing difficulty, when you're facing a very formidable opponent, that people will blame each other; they feel frustrated, they don't know quite what to do next, they're trying one thing and the other. But I think one ought to understand something enormously important: With all of those complicated, experimental programs and efforts, and with all the enormous antagonisms that developed among people who came with different motives and experiences, we did, in fact, make a difference. And that difference was felt by a very large number of people in this state who might have spent the rest of their lives in fear when walking down a street, or unable to take part in any of the political and economic changes that America is about.

I remember somebody once said that "history is a cross between the frustrations of how far we still have to go and a sense of satisfaction at how far we have come." People will disagree about what that blend is. How far do we still have to go? How far have we come? Well, it's not easy to answer that, and there's going to be dissent about it because people are not monolithic. But there are things about the experience here that are unifying, and when all is said about the many complexities to it, those complex-

ities ought not to eradicate a couple of fundamental and lasting truths. People behaved better than they would have because they cared about each other. There was a tremendous change in the lives and the spirit of people for each other because they were part of something that mattered.

Commitment is a cheap word. It's not very present in the county today. It's a great word, though, because it says something about what people are capable of when something moves them. And people were moved by the wrong in this state, by the evil that they saw here, and they were moved to try to change it. And that's something that is a fact which can't be changed whatever the ideological changes and differences people will have.

The second, I hope, transcendent fact is that nobody who came here, whatever simplistic notions they may have had before, left without understanding that the sophistication they brought in was infinitely less important than the sophistication of the people who were here, than the wisdom and the sense of humanity, the sense of courage and love that was present among the black people who'd experienced this kind of difficulty for so long. And that changed people's assessment of what life was about. It changed not just the political judgment, but a judgment about marriage and about poetry and about history and about politics. It changed things very deep in people in a way that almost no experience ever changes people.

So what is it that we do now together in the difficulties of this period, with all the differences that are going to continue to exist, so that people in Soweto, just as people in Brooklyn or here or anywhere else, will have in a world that offers such enormous opportunities for good things, the opportunity to share in those good things in a way that they haven't been able to do in the past?

If we can understand that that priority is still there to unite us, then the differences of opinion and the arguments about how to achieve it will be profitable ones. If the differences about how to achieve it drown out the common sense of what we want to achieve, then we end up doing nothing but helping those who don't want to see suffering reduced because they profit from the suffering of others.●

EPA ALLOWS HIGHER CANCER RISK

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. WEISS. Mr. Speaker, section 112 of the Clean Air Act requires the Environmental Protection Agency to control hazardous air pollutants by setting health-protective emissions standards without regard to the control costs involved. A new set of standards for exposure to harmful pollutants has been recently proposed by the EPA which would allow cancer risks 100 to 1,000 times higher than past national standards.

The EPA's shift to a high-risk health policy on economic and technological grounds has dangerous implications. In particular, I am concerned that these new standards may lead to a weakened national policy resulting in inadequate protection of the public from environmental health threats.

The battle against environmentally induced cancer must not be abandoned. I would like to recommend to my colleagues a recent article by Robert E. Yuhnke, an attorney in the Environmental Defense Fund's, Boulder, Colo., office. Mr. Yuhnke articulates skillfully the need for immediate action to force the EPA to adhere to Congress intention that health protection not be subjected to a cost-benefit analysis.

The article follows:

[From the EDF Letter, December 1983]

EPA ABANDONS WAR ON ENVIRONMENTAL CANCER

(By Robert E. Yuhnke)

The Environmental Protection Agency (EPA) is quietly carrying out a radical reversal of national public health policy by abandoning traditional public health goals under the Clean Air Act and other environmental health statutes. For example, EPA Administrator William D. Ruckelshaus has proposed an arsenic pollution standard that finds 1 excess lung cancer death for every 100 nearby residents an acceptable price to pay to keep a copper smelter operating in Tacoma, Washington. There is no precedent for allowing such a high health risk from an environmental pollutant. Under prior administrations, standards designed to limit human exposure to air or water pollutants were typically set to reduce risks to 1 in 1 million, or at least 1 in 100,000.

Ruckelshaus' action follows a pattern set by his predecessor Anne M. Burford allowing high risks from airborne radiation: a 1 in 1,000 death rate for residents near uranium mills and 1 in 500 for those near uranium mines. Standards for airborne benzene, cadmium, and organic carcinogens, due in 1984, will apparently also allow high risks among the 20 million Americans exposed to excessive levels of these pollutants.

Congress has never defined the degree of health risk that is acceptable under federal air and water laws requiring protection of public health. But these laws clearly prohibit EPA from considering either the financial effects on industry or the technological feasibility of achieving adequate human health protection. This prohibition was based on the political decision to give human health priority over the economic health of corporations. An underlying premise of this choice was that American industry would likely develop affordable technological solutions to pollution problems if national health protection goals were clearly expressed as strict emissions limits.

The wisdom of this "technology-forcing" policy has been confirmed again and again since enactment of the Clean Air Act in 1970 by the development of technologies that can, for example, remove 95 percent of sulfur dioxide emissions from power plants, 94 percent of carbon monoxide from autos, and 99 percent of particulate matter from industrial stacks. These developments have caused some pain to the industries involved, but none to the national economy. Where needed, as with autos and steel, Congress has eased compliance deadlines to allow time to introduce the new technologies. But the initial public health goals were not abandoned and are now being achieved.

EPA has justified its shift to a high risk health policy on economic and technological grounds, ignoring Congress' ban on weighing the higher costs of stricter standards against the increased illness and death resulting from weaker standards. Rather than forcing the nuclear power and copper industries to develop and apply new technology needed to achieve traditional health goals, EPA's new standards instead offer these industries a subsidy by sacrificing human health life.

EPA's use of economic grounds for its new standards is vulnerable to legal challenge, and EDF has sued EPA (see June 1983 EDF Letter). But success in court is not likely to answer the fundamental question: what level of risk is acceptable in a nation seeking to protect the public from risks over which individuals have no control?

As long as EPA adhered to the unwritten 1 in 1 million risk target, this basic question of values remained largely unasked. Now EPA's reversal of that policy forces us to address the question. A national environmental health policy based on risks of 1 in 100 or 1 in 1,000 means the nation has abandoned the battle against environmental cancer. Lung cancer accounts for 3 of every 100 deaths in the U.S. today. The incidence of cancer in the nation will not be reduced if we do not reduce cancer that is environmentally induced substantially below current levels of the disease from all causes.

Cancer is epidemic in this nation. This Administration apparently perceives this epidemic as a necessary price to pay for economic growth. EDF does not agree. The history of pollution control under the Clean Air Act offers clear proof that the pain, economic uncertainty, and premature death that haunts cancer victims and their families is not a necessary price for the economic health and well-being of the nation.

EDF has asked EPA to return to the 1 in 1 million benchmark that has served the nation well as an environmental health policy goal. If EPA refuses, a legislative declaration of that goal by Congress may be our only recourse.●

COPPER GHOSTS

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. RUDD. Mr. Speaker, the domestic copper industry is on its knees. The world wide slump in copper prices, and the subsidization of foreign copper by foreign governments has forced the closure of many U.S. mines, some permanently. Over 38 percent of the U.S. copper work force is out of work, and has been for some time.

Yet in a recent report to the Secretary of Defense, the Defense Science Board stated that the United States is in serious danger in the event of war or national emergency because our stockpile of critical minerals, including copper, is dangerously low.

The question is, Mr. Speaker, why, when we need copper, and why, when so many American copper workers are out of work, does this country, through its membership in the multi-

lateral lending institutions, continue to allow foreign governments to subsidize foreign copper?

I am inserting here in the RECORD a recent column which appeared in the Washington Post which shows, on a local level, the devastating impact of the crippling of the domestic copper industry.

The article follows:

[From the Washington Post, March 11, 1984]

COPPER GHOSTS

(By Jack Anderson)

The grand designs of our global strategists often fail to take into account painful human consequences. It's unlikely, for example, that the policy-makers in Washington have ever given any thought to Superior, Ariz. Yet they have made decisions that have just about ruined the hardy people who live there.

Superior was once a booming copper town. Now it's becoming a ghost town. The lives of its 4,600 residents had always revolved around the Magma Copper Co. For four generations, the town's men had worked the Magma mine.

Then on Aug. 15, 1982, the company shut down the mine. One day, miners, were taking home $100 in daily wages; the next day they were out of work. And with the Magma payroll gone, the few other enterprises in Superior also began to falter.

A year ago, a restaurant burned down on Main Street; no one has bothered to clear away the charred debris. The local hotel, once bustling with business, has been converted into a charity food dispensary.

What have the town's troubles got to do with global policy? Just this: the United States contributes heavily to international loans to help impoverished countries develop their resources. One resource that has been developed in abundance is copper. The resulting overproduction has caused the worst depression in the U.S. copper industry in 40 years.

Specifically, the U.S. taxpayers—including the few in Superior who still have enough income to be taxed—are shelling out money to keep overseas copper mines open. This adds to the worldwide copper glut that is pushing prices down and causing companies such as Magma to close mines. Since 1979, 16 of America's 25 largest copper mines have shut down.

In 1982, for example, the International Monetary Fund handed over $325 million to Chile to expand the operations of CODELCO, the state-owned copper monopoly. This raised copper production 15 percent in Chile at the same time that production dropped 25 percent in the United States. Yet the greatest share of the $325 million loan came out of the U.S. Treasury.

The townspeople understand that world copper prices have been falling, so they don't blame Magma for closing down the mine. What's driving them to despair is the continuing uncertainty over the company's future intentions. Magma can't say whether the closing is permanent or not.

Just as the outlook began to improve last year, the Inter-American Development Bank lent the Chilean government another $268 million to expand copper production. Again, the lion's share was contributed by the United States. Now I've learned the governments of Zambia and Zaire are asking the World Bank for multimillion-dollar loans to stimulate copper production.

The U.S. government has usually been able to block any international loans it doesn't like. Then why does it permit loans that damage the domestic copper industry? The State Department contends that opposition to the loans would damage relations between Washington and Third World countries, such as the military dictatorship of Chile's Gen. Augusto Pinochet.

So the residents of Superior are suffering personally and painfully for the Reagan administration's strategic goals. Since the mine closed, there has been a strange outbreak of illnesses and accidents among the townspeople. The Rev. Michael Teta, pastor of St. Francis church, believes these have been caused by anxiety and insecurity.

In a talk with my associate Michael Binstein, the priest spoke sadly of what is happening to his flock. He told of a woman who sold her radio to buy her child a pair of shoes.

"The uncertainty is probably one of the major sources of anxiety," said Teta. "People are at a loss as to what to do with their lives."

Consider the misfortune of Tony Munoz, who spent 33 of his 58 years in the mines saving up for his lifelong dream—a business of his own to boost his meager pension. A year before the Magma mine closed, Munoz bought a hotel-restaurant on Main Street.

Since the shutdown, Munoz has lost 60 percent of his trade and is losing $700 a month on the hotel. He subsists on $455 in monthly retirement benefits plus whatever he can make selling jewelry in Phoenix on weekends.

Things are so bad in Superior that Munoz turned 10 of his 50 hotel rooms into a food bank run by Loretta Johnson and 22 volunteers. Since unemployment benefits ran out months ago, the center now feeds about 1,200 families with surplus government cheese and powdered milk.●

VUCANOVICH SUPPORTS ADVERTISING OF STATE GAMING ACTIVITIES

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mrs. VUCANOVICH. Mr. Speaker, last week I joined my distinguished colleague from Nevada, Mr. REID, in introducing legislation to allow advertising of any State-sponsored lottery, gift enterprise, or similar scheme. The bill, H.R. 5097, seeks to correct a longstanding inequity in existing Federal law that inhibits the ability of legal gaming enterprises to compete with nongaming businesses.

Current law, passed by Congress in response to the corrupt practices associated with State lotteries in the late 1800's and early 1900's, is antiquated and has long outlived its original purpose. Today, a majority of the States in the Union have approved some form of legal gaming, as a means to divert funds from illegal wagering enterprises and to broaden their revenue and employment base.

In 1975, Congress acknowledged the proliferation and success of State-run games by adopting an exemption to allow advertisement of State-conducted lotteries. It was a step in the right direction. By adopting this narrow exemption, however, Congress concurrently established a bias against other forms of State-authorized and regulated gaming, such as casino gaming. In so doing, the Federal Government has created a preference for State-owned and conducted operations, to the detriment of legal private enterprises which provide equally vital revenue and employment.

Existing prohibitions constitute unnecessary interference by the Federal Government with a legitimate, heavily regulated industry. Businesses which offer gaming are currently barred from broadcasting or mailing information about their gaming facilities. It is increasingly difficult for such resorts to compete with other nongaming resorts for the tourism dollar; ultimately, the State suffers from this overregulation through depressed employment and lost tax dollars.

It is important to note that H.R. 5097 addresses only the broadcasting or mailing of information by State authorized and regulated wagering enterprises, and does not affect current laws against advertising by illegal or unregulated lotteries, or wagering through the mails. The issue is not gaming, but the right of legitimate businesses to utilize the free flow of speech and information. As affirmed by the Supreme Court, the right to freedom of commercial speech is protected by the first amendment to the Constitution. In this regard, it is difficult to justify retention of such an ill-advised Federal ban on one industry.

I hope my colleagues will join in my support for this vital legislation, and I urge its prompt consideration.●

WILLIAM B. BELLAMY, AN OUTSTANDING NEWSPAPER PUBLISHER

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. GONZALEZ. Mr. Speaker, this week an outstanding San Antonio editor and publisher, William B. Bellamy, retires after a four decade long career.

Bill Bellamy epitomizes the kind of American journalism which has insured the preservation of our individual liberties and freedom. It is saddening to see him go as his departure from the helm of responsibility is a loss to present-day print communications.

It has been my pleasure to know Bill Bellamy for many years, and to admire his editorial writing and man-

agement which have always been fair and objective.

Although he will have more time to spend with his wonderful wife, Carolyn, and their children and grandsons, my good friend Bill will continue to serve, at least on a part-time basis, as a consultant to Frank A. Bennack Jr., now president and chief executive officer of the Hearst Corp. in New York.

Mr. Speaker, I wish to share with you and my colleagues the text of the tribute written about Bill Bellamy as it appeared in the San Antonio Light for Sunday, March 11, 1984, the newspaper for which he served as president for the last 2 years:

[From the San Antonio Light, Mar. 11, 1984]

WILLIAM B. BELLAMY, LIGHT PRESIDENT, RETIRES

An outstanding newspaper career spanning four decades comes to an active close this week with the retirement of William B. Bellamy, president of The San Antonio Light.

He has served The Light for more than 22 years, seven and a half of those as publisher and editor until two years ago when he was named Light president. At that time, he was succeeded by the present publisher and chief operating executive, William C. Thomas.

Bellamy, active in civic and community affairs, will continue to be available for special assignment or consultation for The Light, according to Thomas.

Robert J. Danzig, vice president and general manager of The Hearst Newpapers, said, "In addition to the fine friendship we have enjoyed with Bill, he has also been a first-rate newspaper professional. It pleases us greatly that he will continue to be available for occasional special assignments."

Mainly, you'll find Bill Bellamy enjoying the retired life.

An Oklahoma native who attended Tulane University, where he quarterbacked the Green Wave football team, Bellamy boasts a newspaper career which included assignments in business management, as well as in editorial management, for which he has become best known.

Bellamy came to San Antonio to launch his newspaper career after being discharged with honors and decorations from the Army Air Corps, in which he served as a test pilot and a World War II bomber pilot with the 8th Air Force in England.

He joined the San Antonio Evening News in 1945 as a sports writer; in 1949, he became sports director; managing editor of the San Antonio Express in 1952; managing editor of the Evening News from 1953 to 1956; executive administrator for the Express Publishing Company's KENS-TV and radio operations in 1956-57; and assistant to the president, 1957-62.

While at the Express, Bellamy wrote a popular column, Male Call, and while sports director for the Express and News, he brought National League professional football to the city in the '50s, staging seven successful games at Alamo Stadium.

On Oct. 29, 1962, Bellamy joined The Light as assistant managing editor. In 1967, he was promoted to managing editor to succeed retiring Gen. N. Dwight Allison. By virtue of his new position, Bellamy became the only man in San Antonio's newspaper history to have served as managing editor of all three San Antonio daily newspapers.

He moved up to become The Light's executive editor in 1973, and on Sept. 15, 1974, Bellamy was named publisher and editor, succeeding Frank A. Bennack Jr., now president and chief executive officer of The Hearst Corporation. William C. Thomas succeeded Bellamy in The Light's top post in March 1982.

During his years in civic and community work, Bellamy served on boards of the Council on Alcoholism, Fiesta San Antonio Commission, Kiwanis Club, Mental Health Association, Boy Scout Council, Greater San Antonio Chamber of Commerce (two terms), Rotary Club, Texas Election Bureau, Research and Planning Council, Economic Development Foundation, Symphony Society, Texas Student Publications at the University of Texas at Austin and the Air Force Community Council.

He also has served as district governor and president of the Exchange Club; president and squadron commander of the Alamo Chapter of the Air Force Association; elder of Central Christian Church; vice president in South Texas for the American Athletic Union; member of the board of governors of the Argyle Club, and president of the San Antonio Breakfast Club and Texas United Press International Association.

Presently, Bellamy serves on the boards of the Livestock Association, Medical Foundation, Zoological Society, Southwest Research Institute and Alamo National Bank, and is chairman of the board of Cinco Bell Inc., local investments group. He also is a member of the St. Anthony Club and San Antonio Country Club.

Among his many honors, Bellamy was named San Antonian of the Year in 1950 by the Junior Chamber of Commerce; recipient of the Latin-American Good Neighbor Award in 1950, and in 1955 was cited as one of Five Outstanding Young Texans by the Texas Jaycees. He was nominated that year by the then up-and-coming politician, Sen. Lyndon B. Johnson.

Bellamy also was cited by the Boys Club, Boysville and Boy Scouts for his youth work.

He also has been honored in the fields of sports writing, editorial writing and news reporting. UPI, AP and Sigma Delta Chi journalism fraternity have given him awards in state and local competition. In 1948, he received the AP award for Sports Writer of the Year.

In 1970, he won the William Randolph Hearst National Award for his graphic accounts from Vietnam, where he had accompanied H. Ross Perot in an effort to free American prisoners of war.

Bellamy also received a merit award from the San Antonio Bar Association; first place in the statewide Headliners Club competition for editorial writing about the City Council; cited by the University of Texas regents for service; honored by the Medical Society for Exceptional service; received a special award, naming him "a friend of the Military Training Instructor" by members of the Basic Military School at Lackland; Air Force Association Award for the "Salute to Lindy" section; Spurgeon Award from the Alamo Area Boy Scouts; award from the Independent Order of Foresters Court, and education award from the San Antonio School District.

Although Bellamy received many awards and honors during his tenure with The Light, he said there is none he values more highly than having served as publisher during The Light's centennial year.

His plans for retirement call for quite a bit of traveling with wife Carolyn, plus golfing and flyfishing for trout in the Guadalupe, which is a new-found pastime.

Their first pleasure, though, is their family, which includes three children, William B. II, Linda Carol (Mrs. Bryan Marquis) and Russel W. Bellamy, and, of course, their seven grandsons.●

MR. MICHEL IS WRONG

HON. DONALD JOSEPH ALBOSTA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. ALBOSTA. Mr. Speaker, on March 8, 1984, the distinguished minority leader of the House of Representatives made statements on the floor of House that I had violated the rules of the House. He stated that I had violated the House rules by sending a "hearing record" and dispatching committee files to Senator METZENBAUM in response to his request for information about Mr. Meese for use in the process of reviewing Mr. Meese's nomination for the position of Attorney General.

Mr. MICHEL says that House rule XI(2)(e)(2) forbids this.

Mr. MICHEL further adds that "* * * this big hullabaloo had nothing to do with what we were surreptitiously gaining by deceit and design; it was frankly one of those voluntarily contributed things by those who frankly were out to undermine their own Presidential campaign" apparently referring to materials gained by the Reagan Presidential campaign of 1980.

In regard to Mr. MICHEL's latter comments, we would appreciate his sharing any knowledge of the transfer of Carter materials that he may have with the subcommittee. He is wrong if he is asserting that those with possession of the Carter briefing books had authority to voluntarily give them away to the Reagan campaign.

In regard to his charge that I have violated a House rule, I have received a written opinion from the General Counsel to the Clerk of the House that I have not violated any House rule; that opinion is included below. I have received an oral opinion from the Parliamentarian that there has been no violation of the House rules nor of the subcommittee guidelines adopted for the investigation. Therefore, Mr. MICHEL is wrong on the law.

Mr. MICHEL is wrong on the facts. I did not send a hearing record or files. I did lend copies of documents that had been voluntarily provided to my staff by Mr. Meese for use by the Congress and with the knowledge that they might be published.

In addition, and as a matter of record, with 2 days notice, no member of my subcommittee or full committee ever objected to my lending copies of the documents to the Senator. Mr.

WILLIAM FORD, chairman of the Post Office and Civil Service Committee, has responded to Mr. MICHEL's assertions and informed him that I complied with the guidelines of the subcommittee and did not violate a House rule, and therefore no further action is warranted by the committee. Chairman FORD's letter is also reprinted below.

Today, the subcommittee voted to comply with further requests from Senators METZENBAUM and LEVIN for information and materials concerning Mr. Meese. We did not believe a vote was necessary, but we took that action in deference to the concerns of the minority leader.

Finally, I would like to point out that if every committee were forced to withhold all documents in its possession until the members of the committee had voted to release them, then the work of the Congress would simply grind to a halt. Mr. MICHEL's assertions are absurd. Mr. MICHEL actually appears to be motivated by his own fear or the fear of someone else that the release of the information and documents to the Senate might provide the public and the Senate with information that would affect the confirmation of the Attorney General nominee. What should be embarrassing to the House is not our compliance with a Senator's official request, but the extent to which Mr. MICHEL and his colleagues are going to cover up this information.

Simply put, Mr. MICHEL is wrong on the facts, he is wrong on the law, and he is wrong in his attempt to mislead the American people.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, D.C., March 13, 1984.

Hon. ROBERT H. MICHEL,
Republican Leader,
H-232, the Capitol,
Washington, D.C.

DEAR BOB: This is in response to your recent letter expressing concern that Representative Donald Albosta, Chairman of the Subcommittee on Human Resources, may have, without authorization, turned over to a member of the United States Senate private Subcommittee files.

I am enclosing for your review a copy of the guidelines approved by all Members of the Subcommittee on Human Resources at the beginning of its investigation, which clearly provide authorization for Chairman Albosta "to report for the use of other Committees information which may warrant their consideration in regard to other laws".

The Subcommittee guidelines further require that "*to the greatest extent possible* release of material information by the Chairman or his staff will be preceded by notice to all members of the Subcommittee". Under the same Subcommittee guidelines, the ranking minority member is also authorized to release material information.

As you may know, Mr. Albosta complied with this provision by notifying the members of the Subcommittee by memorandum on March 7 that he was releasing information to a member of the Senate Judiciary Committee. I would hope that you would not want Mr. Albosta to deliberately withhold pertinent information from the Senate Judiciary Committee while it is reviewing the qualifications of a nominee for Attorney General of the United States.

I have also received the enclosed opinion from the General Counsel to the Clerk of the House of Representatives indicating that Mr. Albosta did not violate any House rule by releasing information to the Senate Judiciary Committee.

I note in your letter you have also requested the House Committee on Standards of Official Conduct "to pursue this matter further to determine whether a violation of the Rules of the House has occurred." I am sure that they will respond appropriately to your request.

After carefully reviewing your allegations and the facts of this matter, I do not believe any further action is warranted by this Committee.

With kind regards,
Sincerely,

WILLIAM D. FORD,
Chairman.

Enclosures.

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., March 13, 1984.

Memorandum:

To: John Fitzgerald, Counsel, Subcommittee on Human Resources, Committee on Post Office and Civil Service.

From: Steven R. Ross, General Counsel to the Clerk.

This memorandum is intended to memorialize our earlier telephone conversations. You may recall that on February 29, 1984, we discussed the legal implications of the subcommittee's affirmative response to a request from the Senate Judiciary Committee for access to certain non-executive session material which had been voluntarily provided to the Subcommittee.

It is beyond peradventure of doubt that providing information to a Senate Committee constitutes protected legislative activity and that the application of the Speech or Debate Clause immunity would bar the imposition of any civil liability on the Members and Committee aides involved.

The Speech or Debate Clause, U.S. Const., Art I, § 6, cl. 1, has been consistently read to prohibit judicial inquiry of the communicative and deliberative processes of the Congress. *Eastland* v. *United States Servicemen's Fund*, 421 U.S. 491 (1975); *Gravel* v. *United States*, 408 U.S. 606 (1972). The Courts have distinguished between the dissemination of information *outside of Congress*, and the internal communications *within Congress*. *Hutchinson* v. *Proxmire*, 443 U.S. 111, 130-133 (1979). Specifically, it has been held that the provision of information to a Member of the Senate by an aide to a House investigative subcommittee was a privileged legislation action which could not be "questioned" in a judicial proceeding. *Tavoulareas* v. *Piro*, 527 F.Supp. 676, 682 n.5 (Holding the question, "Did you [a House committee aide] provide any information the Subcommittee had about the Mobil, Samarco, Atlas relationships to Senator Metzenbaum or any member of his staff?" to be clearly within the protection of the speech or debate clause.)

We have also discussed, on several occasions, whether the Rules of the House restrict the subcommittee's response to the Senate Judiciary Committee's request. As I have previously indicated, the Rules of the House provide generally that all "records" of a committee are to be kept separate and distinct from the Congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the House . . . ." H.R. Rule XI, cl. 2(e)(2), Rules of the House of Representatives, § 706c, *reprinted in Constitution, Jefferson's Manual and Rules of the House of Representatives*, H.R. Doc. No. 97-271, 97th Cong., 2d Sess. 441 (1983) (Rules of the 98th Congress). The rule specifically provides that all members of the House shall have guaranteed access to the records of all committees except for certain records of the Committee on Standards of Official Conduct. H.R. Rule XI, cl. 2(e)(2), *id.* Unlike a House Member or committee, a Senator or a Senate committee could not assert an absolute right to the subcommittee's records under this rule and the discretion to determine what information would be provided in response to a Senatorial request remains an internal determination.

The House Rules specifically provide that evidence taken in *executive session* may not be released absent the consent of the committee or subcommittee. H.R. Rule XI, cl. 2(k)(7), Rules of the House, *supra* at 421. Rule 20 of the full Post Office and Civil Service Committee Rules provides that "classified material" shall be deemed to have been received by the committee or subcommittee in executive session and that the Chairman "shall establish such procedures as in his judgment may be necessary to prevent the authorized disclosure of any classified material." However, I understand that the material requested by the Senate Committee is neither executive session nor classified materials. That the House, and the full committee have specifically provided for committee or subcommittee approval prior to the release of executive session material indicates a different procedure applies for non-executive session and unclassified material.

You informed me that the subcommittee has adopted guidelines and operating procedures which provide guidance to the members and staff of the subcommittee for the treatment of information obtained by the subcommittee.

It would not appear that the Rules of the House would restrict the subcommittee's response to the Senate request taken in conformity with the subcommittee's guidelines and procedures.●

SCHOOL PRAYER AND THE FIRST AMENDMENT

HON. ED BETHUNE

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. BETHUNE. Mr. Speaker, passage of the school prayer amendment is imperative, particularly in light of the March 5 Supreme Court decision in the Pawtucket nativity scene case.

By a 5 to 4 decision, the U.S. Supreme Court ruled that a nativity scene could be displayed on State property if there is a "legitimate secular purpose" for the display.

Since the nativity scene was mixed with other figures and decorations, such as a Santa Claus house; reindeer pulling Santa's sleigh; candy-striped

poles; a Christmas tree; carolers; a teddy bear; hundreds of colored lights; and a large banner that read "Seasons Greetings," it was found to be acceptable in that it did not have the primary effect of advancing religion. The Court said that the display was sponsored by the city to celebrate the holiday, national tradition, and to depict the origins of that holiday, which are "legitimate secular purposes."

The Supreme Court came to the right decision, but for the wrong reasons.

In trying to do what people want and what history calls for, the Court is tangled up by its earlier decisions in the school prayer cases. By appealing to its own notion of tradition, and by judging each case individually, the Court has attempted to divert attention from its own flawed interpretation of the first amendment. But, to do that, and to reach that result, it reduced the nativity scene display to something that it is not. The display of a creche—nativity scene—has a singular, religious purpose, and the Court should have been honest enough to deal with that issue.

The mayor of Pawtucket had testified that the inclusion of the creche in the display would serve the wholly religious purpose of keeping Christ in Christmas. Thus, by ignoring his testimony and finding a predominant secular goal, the Supreme Court ducked the question that lies at the heart of the problem and which is central to the ongoing debate on school prayer.

If the Court does not have the courage to admit its error, then the people must amend the U.S. Constitution. To continue the fiction of trying to prove that spiritual conduct is secular or that secular conduct is spiritual will deepen the morass triggered by the erroneous 1962 decision.

The confusion resulting from the Supreme Court entanglement has also had a chilling effect on local authorities. School boards and other local authorities, in an effort to avoid disputes around the country, have issued directives which have: disallowed a religious individual, that is, a priest or a minister, to pray at sporting events; disallowed a person representing a religious group to attend school activities; and barred religiously affiliated counselors to meet with students.

Such decisions and actions are not indicative of governmental neutrality in religious matters. On the contrary, such actions place any kind of religious activity at a distinct disadvantage.

To break the fever and the confused state of affairs, Congress should send the amendment proposed by President Reagan out to the States for ratification. The amendment would set parameters to assure that there would be no State-composed prayer and that no one would be forced to participate in voluntary school prayer. The States and local authorities would then be free, as they were prior to the 1962 decisions, to decide at the local level as to whether there would or would not be voluntary school prayer, silent periods of meditation, or other constitutional religious activities on State property.

This result would be far better than to have the U.S. Supreme Court, the U.S. Courts of Appeal, and the various Federal district courts around the country making decisions that are not only contradictory and inconsistent, but which have the effect of diluting and degrading the religious nature of celebrations that have been a part of the American tradition. While some may argue that school prayers may proselytize or embarrass children of tender age, they overlook the beneficial and traditional value which can result from a recognition that trust in God has been, and is, an integral part of the American way.

The Court has operated on the assumption that, by blocking prayer in school, it can establish a governmental neutrality in religious matters. That is an erroneous based on the assumption that our public schools are nothing more than disseminators of fact and scientific information. As a matter of practice, our schools present values to children on a day-to-day basis.

Students and teachers discuss current and historical figures such as Reagan, Andropov, Hitler, King Henry VIII, Nietzsche, Napoleon, and others as real people with values that are either right or wrong. But, the vocal recognition through school prayer of a supreme being has been suppressed to the extent that local officials are intimidated, religious freedom is denied, and neutrality is the exception rather than the rule.

Congress opens each session with a prayer. The purpose is not to teach a particular religion, but to recognize the existence of a divine providence as part of the American way. Voluntary school prayer and other similar events could and would work the same way as they did for nearly 200 years under our Constitution.

The Court erred in 1962. It erred again on March 5. The Constitution should not be amended for light and transient reasons, but in this instance—to clear up the entanglement between secular and spiritual concerns—there must be action in the Congress, and an amendment must be presented to the people for ratification.●

FOR ARKANSAS WOMAN, CHARITY BEGINS WITH STRANGERS

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. BENNETT. Mr. Speaker, recently, columnist Jack Anderson published a column he wrote about Joann Jones. I find it so inspiring and so positive in content that it is worthy of republication in the CONGRESSIONAL RECORD, so I have asked today that the following article be published in the RECORD. I congratulate Mrs. Jones and also express my gratitude to Jack Anderson for writing this inspiring article.

WASHINGTON.—The remarkable thing about Joann Jones is the way she smiles through the tears. Her neighbors in Paris, Ark., can tell you she has been dogged by hard times. Yet her whole personality always seems to smile.

Left with three children to support, Joann found work as a cook and eventually opened her own small restaurant. But her 22-year-old son was stricken with a rare disease. He lost a leg and, because she couldn't keep up with the medical bills, she lost her restaurant.

Yet these tragedies didn't dampen her spirit. All that mattered, she told friends, was that her son was alive and preparing to become a missionary.

The financial squeeze left her with no money to pay insurance premiums. Then the inevitable happened—her small home burned down. Though all her worldly possessions were reduced to ashes, she remained cheerful. At least the family was still together—almost too close together, cramped into a cheap, second-hand trailer.

Then the other day, a cold front sent the temperature plunging below zero in western Arkansas. Joann stopped at a country store to use the pay phone. Across the road in a frozen field, she noticed four Mexicans huddled under a cedar tree. They were shivering in shirt-sleeves in the cruel cold, with only one blanket to keep them all warm.

She put down the phone and strode over to the freezing men. She couldn't speak Spanish, and they didn't understand English. But with gestures and a few words in common, they let her know they wanted to return to Mexico. But they had no money, no food, no warm clothing.

The irrepressible Joann, though impoverished herself, brought the migrant Mexicans home. The family took two blankets off their beds, and the afflicted son gave up his wool coat so each Mexican could wrap himself against the cold.

Joann remembered that her church was holding a fireside service that evening in Fort Smith. She carefully counted out enough quarters to buy gas for the 65-mile round trip. She drove the forlorn four to the Latter Day Saints church, where she found two dozen members still assembled.

Interrupting, she announced that she had four destitute Mexicans who needed help. The church members rustled up more warm clothing and collected enough cash to buy four bus tickets to Dallas, with pocket money for food along the way. The members also put through a call to Dallas and

arranged for some Spanish-speaking members to meet the bus.

Joann Jones gave her widow's mite expecting nothing in return. I learned about her act of kindness from others. Because she cannot afford a telephone, I reached her at the diner where she now works. She didn't want to talk about her good deed; it didn't seem right, she said.

"Charity should be given in secret," she said. "Anyway, it was no big deal. Anyone would have done the same thing."

Footnote: This story could have an even happier ending if something nice were to happen to Joann—something real nice, say, like getting back into a house of her own. I almost know what she would say; she would protest that others are more needy. But I am setting up a building fund for Joann Jones. Donations can be made to the Drew Pearson Foundation, Box 2300, Washington, D.C. 20013.●

YELLOW RAIN: HMONG, AFGHANS, NOW IRANIANS

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. McCOLLUM. Mr. Speaker, today I addressed the House on the outrageous violations of the Geneva Convention—that is the ongoing use of chemicals in warfare. The most recent accounts and in fact the most blatant evidence of the use of mycotoxins are the casualties of the Iraq-Iran war. The victims exposed to these chemicals are now in hospitals in Europe facing death while suffering with symptoms for which modern medicine can provide no antidote.

A U.N. team has been dispatched to Iran to investigate the charges against Iraq. This kind of effort is imperative and further Congress and the administration have a moral obligation to stress our position within the international community that such horrendous violations of the Geneva Convention cannot be tolerated. The United States must aggressively pursue the enforcement of international treaties that prohibit the use of toxic substances in war.

We worry about the nuclear weapons proliferation and the devastation that will follow a nuclear attack. We have devoted extensive resources to arms control, but we are doing very little about chemical warfare which is being waged worldwide right now. We must place greater emphasis on the study and prevention of the use of toxic substances in warfare.

I commend this Wall Street Journal article by Gordon Crovitz appearing in the March 13 issue to you for a better understanding of what this "yellow rain" is really doing to people.

YELLOW RAIN: HMONG, AFGHANS, NOW IRANIANS

(By Gordon Crovitz)

VIENNA.—Mohsen Tebbi, a 17-year-old Iranian soldier, is about to earn his Islamic "martyrdom." He lies unconscious in the intensive-care unit of an Austrian hospital. Most of his skin is burned off and his bone marrow and lungs are eaten away. Machines keep him breathing—just.

According to doctors here, Mohsen will die within days from poisoning by a combination of World War I-style mustard gas and an even deadlier poison made from mycotoxins—"yellow rain." There's no cure, and doctors expect that more Iranians in hospitals here and in Stockholm will also die from the attacks made in the war with Iraq.

Iran sent 15 injured soldiers to Europe for treatment March 2. Six have died so far, including a 16-year-old yesterday. More gassed soldiers are on their way this week to British, French and Swiss hospitals.

By studying the unlucky patients, Western doctors have been able to see that mycotoxins have taken chemical warfare to a new level. But they also realize they don't know much about yellow rain, and have no idea how to reverse its effects.

ABSOLUTE BREAKDOWN

There's a sulfur-based antidote for mustard gas, a blistering agent that primarily affects the skin, eyes and lungs. But the antidote isn't effective against the mycotoxins found in yellow rain. The first effect after an attack, according to the Iranians and their doctors here, is nausea and bleeding from the nose, mouth and intestines.

Then there is an "absolute breakdown of the functioning of the body," Dr. Gernot Pauser of the University of Vienna Hospital's intensive-care unit observes. Burning of the skin results in pus formations due to contamination by microbiological flora. Then the mycotoxin goes to work inside the body. It breaks down the immune response as white blood cells are no longer produced. The lungs go within 48 hours. Bone marrow ceases to replenish the blood with nutrients. The gastrointestinal system collapses. Doctor say the kidneys would go next, though so far none of the patients has lived to this stage.

This kind of warfare was so unexpected that it was first thought that the Iranians were regular burn victims. It took until Saturday for scientists to figure out what had actually happened and to alter the medical treatment for the mycotoxins. Doctors here had seen from the blistering and internal bleeding that these were not typical burn cases. They suspected poison gas, and sought outside help in finding a treatment. They sent blood, feces and urine samples from the two most critically ill patients to Aubin Heyndrickx, a toxicologist at the University of Ghent in Belgium. Prof. Heyndrickx is Europe's leading gas-warfare expert and last month announced that he had run tests that independently confirmed U.S. reports of yellow-rain attacks in Southeast Asia and Afghanistan. (He was profiled on this page Feb. 15.)

Based on Prof. Heyndrickx's tests in Ghent last week, Viennese physician Herbert Mandel announced here Saturday that "with certain proof and without doubt the Iranians are suffering from the effects of mustard gas and yellow rain." This is the first confirmation of a mixture of the mustard gases with the newer mycotoxins.

Yellow rain is not well known in the West—doctors here had been completely unfamiliar with it before the Iranians arrived—but was given its name by Hmong tribespeople fleeing the poison bombs the Soviet Union passed on to Vietnam. It is made of trichothecene mycotoxin, which is produced by fusarium, a fungus from moldy grains.

It's a wonder that the mycotoxins were identified in the Iranian samples. Prof. Heyndrickx is the only European scientist to develop a method for separating the poison from human samples, and his previous research was only with "environmental" samples like rocks and bark. The Karolinska Institute in Stockholm, Sweden, has repeated the Heyndrickx testing on the Iranian samples and confirmed his findings over the weekend.

None of the scientists suspected that the Iraqis could have mycotoxins. Last week, Prof. Heyndrickx first ran tests for the classic nerve and arsenic-based gases, which were not present. He then found yperite, a mustard gas named after Ypres, the Belgian town near the site of the first chemical attack in 1915. Finally, he ran a test for mycotoxins just in case, and was surprised to find them, and in high concentrations. "The combined synergistic effects of the two poisons are absolutely lethal," Prof. Heyndrickx says. "There is no scientific doubt about this." In fact, he says, the mycotoxins alone would probably have been fatal.

The doctors have tried to flush the mycotoxins out of the patients' skin, blood and organs. Dr. Mandel, who's in charge of this part of the treatment, has tried hemodialysis, and also has injected amino acids and charcoal to break down the poison. But, Dr. Pauser says, it is "hopeless," and the Viennese doctors don't expect any of the Iranians to survive.

"There is simply no antidote and no treatment," Prof. Heyndrickx concedes, because mycotoxins haven't been studied much. There was a natural outbreak of mycotoxin poisoning in Russia in 1943, which created an epidemic. But there's no experience in the West with reversing the effects of concentrations of as much as 30 parts per million, the poison level in these yellow-rain samples. The only treatment so far has been morphine to ease the pain.

Even with the limited help medicine offers, care just to prolong the soldiers' lives requires huge resources. "We can just about handle 10 Iranians in all of Vienna's intensive-care units," Dr. Pauser says. "But this kind of treatment could never be given in battlefield conditions."

This constraint may pose a present danger to the ayatollah's brigades. No one knows how many Iranians have been attacked by the chemicals, but in addition to those in European hospitals, the International Committee of the Red Cross visited 160 soldiers in Tehran last week. They "presented a disquieting clinical picture," the Red Cross said in diplomatic-speak for chemical injuries. Iraq denies using chemical weapons.

The Iranian news agency reports that "numbers" of Iranian soldiers have been killed and 1,700 wounded by chemical weapons used by the Iraqis in the past three weeks. It claims more than 600 were wounded Friday in the current battle for the Majnoon Islands separating Iran and Iraq. As in World War I, it appears that chemical weapons are most tempting when there is a standoff in trench warfare.

The use of asphyxiating gases in war is banned under the 1925 Geneva Protocol. The 1972 Convention on Biological and Toxic Weapons goes further, and outlaws the acquisition, stocking or transfer to other countries of biological weapons. Iran claims that Britain gave the chemical to Iraq. Muhammad Kiarashi, Iran's ambassador to

Austria and liaison with patients, toes this line even though Britain destroyed its gas weapons unilaterally in 1957 and even though the Soviet Union is the only country charged with producing and transferring yellow rain. Iraq could produce mustard gas on its own, the State Department says, but Prof. Heyndrickx doubts it has the facilities to make the mycotoxins. "Fusarium poisons require a completely different technology than the old gases," he says. "So far, all mycotoxins are linked to production in the Soviet Union."

SLOW BUT SURE KILLERS

This fact has added to the horror among the doctors treating the Iranians. "One thing we have learned," Dr. Pauser says "is that if there were this kind of attack in Europe, we would have no chance at all to survive." In fact, he argues that mycotoxins may be the most awesome weapon. Nuclear weapons, for example, kill instantly or within a few weeks through the fallout. But mycotoxins, he says, can stay in the victim's system for at least three months, slowly but surely killing from the inside.

Prof. Heyndrickx has returned to Ghent after conferring with the physicians here. He's taking back dozens more samples for further study. "Last year many people chose not to believe that mycotoxins were being used in Southeast Asia and Afghanistan," he says. "Now we all to believe that yellow rain is being used and is being made even more dangerously by mixing it with other poisons." And, he warns, scientists may not yet have found all the active poisons in the arsenals of war.●

VIABILITY OF HOSPICE CARE

HON. TOM VANDERGRIFF

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. VANDERGRIFF. Mr. Speaker, I rise today to introduce legislation essential to the viability of hospice care throughout the country. You will recall that hospices provide an alternative plan of treatment to the terminally ill and their families, stressing the alleviation of pain rather than the continuation of curative therapy. Congress was impressed with the humanity of hospice care and recognized the sound economics of deinstitutionalization, and authorized coverage for hospice care as a medicare reimbursement in a section of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA).

You will recall the confusion concerning the reimbursement cap, initially set at $4,332 by the Health Care Financing Administration. We were duly concerned that this rate—some 45 percent less than anticipated—would be insufficient to insure the viability of hospices. We wisely saw fit to enact corrective legislation which raised the cap to $6,500.

We are now facing a similar situation with respect to the payment rates for the various types of care required of hospices in order to participate in the medicare program. Late last year, we learned the HCFA might issue final regulations which would set the reimbursement rates at levels substantially lower than those initially published in the Federal Register in August. Many of my colleagues joined in writing both Secretary Heckler and OMB Director Stockman to express our deep concerns. Our cries went unheeded, however, and the final rates were published on December 16, 1983. HCFA based its rate reduction on certain data received from the hospice demonstration projects. These demonstration projects, however, were not required to provide the kind of care Congress mandated. It was, therefore, inappropriate to use the new demonstration project data in considering the proper reimburseable rate for existing hospice programs or for hospices which have been planned. Furthermore, the hospice cap on total reimbursement should satisfy our concerns about cost control.

I am certain that many of my colleagues have heard from hospices in their districts relative to the rate issue. The National Association for Home Care, which represents about one-half of the Nation's hospices, has been overwhelmed by the volume of mail from existing hospices concerned that they will not be able to continue to operate under the existing rate structure. It should be noted that many of these hospices are precisely those which attracted congressional attention to the beauties of hospice care. Then, too, in a recent survey conducted by the National Hospice Organization, the vast majority of its membership indicated that the reimbursement rates would inhibit participation. The NHO membership called for legislative remedy.

We are not seeking to set the rates at an unreasonable level. We are not unaware that medicare is facing a serious financial crisis in the coming years. We are, however, convinced that Congress intended hospices to be reimbursed at rates which would insure their viability. We are convinced that hospices can save money, but they must be funded at sufficient levels so as to be a viable alternative to conventional care. I ask that my legislation be printed after my statement, and I urge my colleagues to support passage of this important measure.

Thank you.

H.R. 5141

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1814(i)(1) of the Social Security Act (42 U.S.C. 1395f(i)(1)) is amended—

(1) by inserting "(A)" after "(i)(1)", and

(2) by adding at the end the following new subparagraph:

"(B) In establishing rates of payment for hospice care under subparagraph (A), the Secretary shall not establish a rate of payment which is less than—

"(i) $53.17 per day for routine home care,

"(ii) $358.67 per day for continuous home care,

"(iii) $61.65 per day for inpatient respite care, and

"(iv) $271.00 per day for general inpatient care.

The Secretary shall not less often than annually review and, as appropriate, increase such payment rates and report to Congress periodically on such review and such adjustments and on the adequacy of the rates under this paragraph in ensuring participation by an adequate number of hospice programs under this title.".

(b) The amendment made by subsection (a) shall apply to hospice care provided on or after the first day of the first month beginning after the date of the enactment of this Act.●

SELECT COMMITTEE ON HUNGER

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. GEJDENSON. Mr. Speaker, I am honored to be one of the 17 Members of this body chosen to serve on the newly established Select Committee on Hunger.

Currently, the issue of hunger is treated by eight separate standing committees in the House. Because each committee's jurisdiction is far-reaching, time does not permit them to afford the ever-increasing problem of hunger the attention it deserves. I am pleased that we have seen fit to create a special forum that will give complete attention to the complex issues surrounding domestic and world hunger.

I find this appointment profoundly challenging. Hunger, one of our most devastating problems, fosters and perpetuates much of the unrest we are witnessing in the world today. Finding a solution to the problems of malnutrition and starvation are fundamental to international stability.

Citizens of the United States, perhaps the richest country in the world, are also plagued by the specter of hunger. Throughout this winter, we witnessed our soup kitchens filled and our food banks depleted, as more and more of our citizens joined the ranks of the hungry. Report after report has documented the increase of hunger in America. We must act to stop it now.

The Select Committee on Hunger will provide the necessary vehicle to eradicate a problem which should never have been allowed to reach such enormous proportions. I look forward to the committee's first meeting and to working with my colleagues to abolish hunger.●

A LETTER OF HOPE BRIDGES SOVIET UNION, CAPE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. FRANK. Mr. Speaker, I have several times brought to the attention of this body the plight of the Soviet Jews, and in particular I have taken an interest in the case of Tsalo and Khaya Lipchin. An article recently appeared in the Cape Cod Times about the continued suffering of this family, which is forcibly separated by the Soviet authorities' refusal to allow Tsalo and Khaya to emigrate to the United States and join their son Leonid.

I would like to introduce this article into the CONGRESSIONAL RECORD, both to keep the Lipchin's situation in the public eye, and because I think this article gives a good impression of a day in the life of "Action for Soviet Jewry," a hard working and selfless agency which has been endlessly helpful to my office and to other congressional offices in enabling us to confront the failure of the Soviet Union to live up to its international commitments on human rights.

A LETTER OF HOPE BRIDGES SOVIET UNION, CAPE

(By Jon Marcus)

ORLEANS—The tattered envelope that came on Saturday was postmarked Leningrad and filled with hope.

"We don't know why we cannot to reunite our family," the scrawled and awkward English stated, "It is unjustice and evil."

The letter was from Tzalo Naumovich Lipchin, 68, a Jewish retired engineer from Leningrad whose persistent requests to emigrate have been just as persistently denied—seven times between 1978 and 1982 alone.

The addressee in Orleans was Jean Friedman, an artist and assistant residence manager at the Nauset Workshop who wants to help Lipchin and his wife, Khaya Mikhailovna Lipchin, 66, leave their native country.

"It was like touching somebody on the other side of the planet," Mrs. Friedman said of her effort, born of a winter's sermon at the Cape Cod Synagogue on the problems of Jews in the Soviet Union.

A Waltham agency called Action for Soviet Jewry gave the Lipchins' names to Mrs. Friedman, and she wrote to the couple last month.

Lipchin and his wife have been refused the right to emigrate for various reasons, despite the fact that their son Leonid, a doctor, lives in Brookline. Lipchin's sister, Alma Rothberg, 77, lives in Forest Hills, N.Y.

Soviet officials have contended that Lipchin was involved in "secret work" with allegedly classified materials, according to Action for Soviet Jewry.

Lipchin, now retired, worked in an aviation instruments factory, which, in conjunction with a French firm, designed navigational components for commercial aircraft. His family in the United States and Action for Soviet Jewry have said the Soviet Union's contention was "just a pretext to deny the Lipchins exit visas," according to a case review by Action for Soviet Jewry.

"It is absolutely impossible to be really involved in any secret work if your sister lives in the United States," said the Lipchins' son, Leonid, who staged a 16-day hunger strike before authorities in Leningrad allowed him to leave for the United States in 1977.

Leonid Lipchin said that anti-Semitism is the real reason Soviet officials have refused to let his parents leave their homeland.

Action for Soviet Jewry says about 600,000 Soviet Jews have applied at least once to emigrate, and 260,000 have successfully departed since emigration rules were eased in the early 1970's. But last year emigration fell to 1,315, a record low. In 1979, 51,320 people emigrated.

Judith Patkin, a spokeswoman for Action for Soviet Jewry, said the change in Soviet policy that led to the decline was "arbitrary."

"They're sick, they're ailing, they don't have much time left," Mrs. Friedman said of the Lipchins. "It's a heartbreaking situation. They're ill. They want to see their son." Mrs. Lipchin suffers from a heart condition and was arrested twice when she visited a U.S. consulate in Leningrad, according to Action for Soviet Jewry.

"We all know there are people who are being kept against their will," said Mrs. Friedman. "We all in our minds know what's going on. Here I am, walking around free, and they're not."

So Mrs. Friedman said that she'll persist. She said that she already has written to the president and to senators and congressmen and she plans to write again.

On Feb. 12, Lipchin wrote a letter to the president that said, in part: "We urge you to do all in your power to enable us to emigrate to the United States and live our remaining time with our only son and sister."●

BLACK HISTORY MONTH

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 29, 1984

● Mr. PANETTA. Mr. Speaker, it is a great honor for me to join my colleagues in commemorating the observance of February 1984 as Black History Month. Through this commemoration, we are promoting a heightened awareness of the important contributions that black Americans have made to every level and aspect of our national life. Knowing and understanding the history of black Americans is a must if we are to ever fully appreciate the roots of our Nation, and chart a course for the future of our national consciousness.

Throughout history blacks have made important contributions in every field of human endeavor. But in the United States, we have reason to be especially proud of the achievements of our black citizens. Crispus Attucks, a black man from Massachusetts, was the first American to die defending our young Nation during the Revolutionary War. Since that time, black Americans have served our country with bravery and distinction in the Civil War, World War I, World War II, the Korean war, and the Vietnam conflict.

In the field of science, we have reason to be equally proud of the contributions made by black Americans. George Washington Carver, a black scientist from the Tuskegee Institute in Alabama, was one of the world's greatest agricultural chemists. In 1939, he received the Roosevelt Medal for "distinguished service in the field of science," for his work in extracting over 300 products from the peanut and sweet potato. Dr. Daniel Williams, a black surgeon, was the first man to perform a successful operation on the human heart. Blacks also assisted Eli Whitney in developing the cotton gin. James Forten invented a machine for handling sails; Henry Blair patented the corn harvestor; Elijah McCoy, the prolific inventor, developed lubricating devices for factory machinery; and Granville T. Woods developed advanced electrical systems that are still utilized today.

Black History Month also allows us to commemorate the achievements of U.S. Senator Edward Brooke, Supreme Court Justice Thurgood Marshall, and Representative Jefferson Long, men who fulfilled the dream of their predecessor Frederick Douglass, in eliminating forever the racial barriers to this country's highest governmental institutions. We should also take time on this occasion to pay tribute to the truly awesome social contributions of black leaders like Harriet Tubman, Dr. Martin Luther King, Jr., and Marcus Garvey.

It would be impossible for me to even begin to name all the black Americans who have made contributions to our Nation in the arts, in education, in science, in religion, in politics, and in a host of other areas. But it is important for all Americans to pause not only in February, but in each month of the year to express appreciation for the contributions black Americans have made to the growth and development of our great Nation.

Unfortunately, our recognition of Black History Month cannot simply be a celebration of the achievements of black American men and women. We must also remind ourselves of the long and painful quest for social equality, of slavery, of Jim Crow laws, and of a dream deferred. For every black American who rose to fame throughout history there were countless others who, despite their skills and talents, were unable to receive the training and opportunities necessary to reach their fullest potential. It is the lives of these Americans that we must also commemorate on this occasion, for their experiences are also an integral part of black history. It is not a pleasant

history, but one we must remember as we continue the quest for social justice. We must always keep in mind these wise words, "those who cannot remember the past are condemned to repeat it."

Mr. Speaker, Black History Month is a commemoration of talent utilized and wasted, of opportunities lost and found. In celebrating black history, we must make a renewed commitment to make sure that talent is no longer wasted, that opportunities are no longer lost. In this spirit, I would like to close with a poem by Thomas Wolfe, words we should all keep in mind as we look to the future.

To every man his chance,
To every man, regardless of his birth,
His shining golden opportunity;
To every man the right to live,
To work, to be himself;
To become whatever his manhood and
His vision can combine to make him.
This, seeker, is the promise of America.●

RULE ON THE DISABILITY AMENDMENTS OF 1984

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. ROSTENKOWSKI. Mr. Speaker, I take this opportunity to inform my colleagues that the Committee on Ways and Means on March 14, 1984, reported to the House H.R. 3755, the Disability Amendments of 1984. As you know, this bill would provide for needed reforms in the administration of the disability determination process under the social security programs.

I wish to serve notice, pursuant to the rules of the Democratic Caucus, that I have been instructed by the Committee on Ways and Means to seek a modified closed rule for the consideration of this bill by the House of Representatives.●

SCHOOL PRAYER—THE ALTERNATIVE

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. GUNDERSON. Mr. Speaker, I do not think there is a Member among us whose office has not been innundated with telephone calls and letters on the school prayer issue in the past 2 weeks. Most often, the question is simply whether we support school prayer or not.

Now, for most of us I imagine that this is a rather simple question to answer since I am sure there are few among us who would consciously deny a public school student the opportunity for prayer in school. As I have said so many times in the past, as long as there are exams in school there will be prayer in school in one form or another.

However, the second question of "whose prayer do we pray" is more difficult to resolve given the diversity of religions in America. For example, there are at least a dozen different versions of the Lord's Prayer alone among the various Christian denominations in the United States.

Further, those among us who support an opportunity for prayer in the public schools base that support upon constitutional guarantees to the free exercise of our religious rights. Yet, we must ask how free the religious exercise of reciting a prayer prepared by a school board or a local government, or randomly selected by a teacher or another student truly is.

In short, there simply has to be a middle ground between reciting a prepared prayer and the complete ban of prayer in public schools. And, Mr. Speaker, I feel that the joint resolution I am introducing today has found that middle ground.

Specifically, my resolution would amend the Constitution to allow periods of organized silent prayer or meditation in the public schools. In this regard, it is similar to the resolution introduced by the junior Senator from Utah (Mr. HATCH).

Further, the amendment would prohibit Federal, State, and local governments, school boards, and their employees and administrative authorities from requiring any student to participate in such prayer periods or to prescribe the form or substance of prayer.

Finally, the resolution would guarantee equal access to public school facilities to all voluntary student groups, including those desiring to study or practice religion.

Now, I realize that because we are dealing with a constitutional guarantee, this is a highly emotional issue and there will be those who say that silent prayer is not enough. When I hear that argument, I am reminded that with every constitutional right there comes an equal, yet often unstated, responsibility. And it is in the balance of these interests that we find those qualities that are unique to American democracy.

Mr. Speaker, by permitting periods of silent prayer and authorizing equal access to facilities for voluntary student groups, we guarantee public school students an opportunity for prayer and religious study while, at the same time, truly preserving the religious freedom upon which those rights are based.

Every student may pray the prayer his or her religious tradition feels is appropriate and may have access to school facilities for religious studies as a member of a voluntary student group. It seems to me, Mr. Speaker, that this is what our Founding Fathers had in mind when they said that:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

I urge my colleagues to join me in cosponsoring this constitutional amendment so that the wisdom of the first amendment may ring as truly in the upcoming centuries as it has during its first 192 years.●

SELECTIVE TV PROGRAMMING

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. CONTE. Mr. Speaker, I am introducing an article written by my good friend John T. Hickey. John's article entitled "Save your brain shut off the set" is a witty, satirical piece, I believe you will enjoy and benefit from tuning into.

Aware of the mass-confusion the mass-media produces today, John's article appeals to the television viewer to "hit the off button and go bowling." His appealing comic style enhances his great concern that television is slowly bluring the moral judgments of the American audience. Though John advocates selective programming or better pulling the plug completely, his desire is for all people to think before turning on the tube.

I will include in the RECORD at this point the text of the article:

[From the Transcript-Telegram, Holyoke (Mass.), Feb. 18, 1984]

IT'S PURE "TELEFUSION"—SAVE YOUR BRAIN; SHUT OFF THE SET

(By John T. Hickey)

I've got this theory, but I can't prove it. I think television is slowly driving people crazy. It's like Agent Orange. It takes a long time for the damage to become obvious because it's happening in millimeters.

The cure may be to unplug the set or to be very selective, but that won't happen. The latest Nielsen survey says that TV viewing in 1983 reached an all-time high of seven hours and two minutes daily per household! And another up-to-date national survey shows that one out of every four of us has a psychological problem! See the connection?

The evening news carries stories of terror and heartbreak daily. The commercials insult you and make you feel deprived. The sitcoms show you that all your old beliefs are obsolete. The public service message tells you to buckle-up and drive at 55, but auto commerical messages show all the cars going 90 or leaping ravines.

Be a TV glutton and, before long, you won't know right from wrong. You thought religious people took vows of poverty, but you now see TV reverends asking little old ladies to mail in their life savings. If you want your children to subscribe to the 10 commandments, then don't subscribe to HBO. Do you think TV comics should dress

up as priests and nuns and ridicule Holy Sacraments?

Charles De Gaulle was of the opinion that you couldn't keep order in a society whose television was not state-controlled. President Reagan felt that he couldn't pull off the Grenada landing if the television cameras went along.

This window into the world should help you to discover the real meaning of life. Right? Choose from Jerry Falwell, Rex Humbard, Monty Python, Guiding Light, Benny Hill, Mr. Rogers, or Chalice of Salvation.

Admit it. You're confused. TV is a jungle of contradictions. The only one who makes real sense is Andy Rooney!

In the real world do you get tired after a hard day's work? On TV you don't. Your energy peaks. . . . It's "Miller Time," and the local barroom is a frenzy of merriment.

Looking for a model of home life? Choose from "Dynasty," "Happy Days," the "Waltons," and "Three's Company."

Respect for authority is losing ground, and it's not helped by Sam Donaldson asking insulting questions of the President, or comedies that show police, bosses, senators, and parents as dumbbells.

The very poor must get very angry watching Cadillac commercials, hearing airlines telling them to shake the winter blues in St. Thomas, and to plan their finances better with the help of E. F. Hutton.

Now we're up tight about our soft drinks unless they're free of sodium, caffein, calories, saccarin and artifical coloring. Do you think that Pepsi test is on the level? Bill Cosby doesn't.

Network news is more into show business than it is news. They want to shock and astound you, and they do.

A plane crash kills 20, mother and child run from mortar attacks, fire makes 200 homeless, (a word about a dandruff shampoo), Italian statesman assassinated, $200 billion national deficit, (ring around the collar), search for a child's kidney, nun's body exhumed in Salvador, (Chicken McNuggets), male lovers in Frisco, death squads in Nicaragua, Missile silos, (new and improved Tidy-Bowl).

What do you suppose this absurd compact mixture of the tragic and the trivial does to your sense of moral proportions.

An emotional and visual rat-a-tat-tat holds you in place, hypnotized.

It might be better if you hit the "off" button and went bowling. You don't need this emotional buffeting, or to fret about all of the world's electronically gathered bad news.

TV does offer some superb material, but there are more people watching "Trapper John" than "The Making of Mankind" in the same time slot.

Every hour of television should be followed by a 15-minute silent slide that says THINK. All receiving and no sending can bring about cerebral atrophy.

You may think that TV watching is harmless, but the worlds of fact and fancy, right and wrong, are being blurred together, especially for our young. Call it Telefusion.

I'd like to see a printed sticker attached to the tube that warns that excessive exposure to television could be harmful to your mental health.●

BANKRUPTCY COURTS LEGISLATION

THOMAS N. KINDNESS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. KINDNESS. Mr. Speaker, at midnight on March 31, the interim rule under which the Nation's bankruptcy courts are operating expires and the terms of 230 full-time and 12 part-time bankruptcy judges will expire. Something has to be done. We have got 17 days to go.

It is my understanding that the chairman of the House Judiciary Committee will be asking the Rules Committee for a closed rule for consideration of a package made up of H.R. 3, a bankruptcy courts bill approved by a divided Judiciary Committee; portions of H.R. 1800, a consumer bankruptcy bill, and Chairman Rodino's bill to protect collective bargaining agreements.

The willingness to bring provisions of H.R. 1800 to the floor, even though the chairman has refused to address the need for consumer bankruptcy reform before now, apparently reflects the political reality that the House Democratic leadership does not want Chairman Rodino's bankruptcy courts bill, and that H.R. 1800 is much more popular. That's because H.R. 3 would seem to allow a Republican President to appoint 227 bankruptcy judges to serve for life.

The chairman proposes to remedy that problem by providing for appointment of those lifetime judges during the next administration. But the interim rule expires on March 31. Who's going to mind the store in the meantime? Under what rules will they operate?

Under an alternative, introduced by Congressman BOB KASTENMEIER and myself (H.R. 3257), the Federal district courts would retain jurisdiction over bankruptcy matters, and bankruptcy cases could be heard by bankruptcy judges who would serve for 14-year terms as adjuncts to the district courts. Under our proposal, bankruptcy judges would be appointed by the Federal appeals courts, rather than by the President. That would eliminate the political problems.

The approach we propose is similiar to the Judicial Conference rule now in effect and is similar to a bankruptcy courts bill, S. 1013, passed by the Senate last April. Our bill is supported by the Chief Justice of the Supreme Court and the American Bar Association, but the chairman of the Judiciary Committee does not want it brought to the floor.

Regardless of Members' feeling about the approach taken in H.R. 3, the provisions of H.R. 1800 or the Supreme Court's *Bildisco* decision, it is only fair that the House should have the chance to consider both approaches to the bankruptcy courts issue.

As we approach the long overdue consideration of this issue, I thought the following information would be helpful: First, a summary of basic differences among S. 1013, H.R. 3, and H.R. 3257; second, a summary of the provisions of H.R. 3257, and third, a section-by-section analysis of H.R. 3257.

SUMMARY OF BASIC DIFFERENCES AMONG S. 1013, H.R. 3, AND H.R. 3257

NATURE OF POSITIONS

H.R. 3257 retains the existing system of bankruptcy judges as adjunct judicial officers serving within the Article III district courts. S. 1013 would re-enact the system of the 1978 Bankruptcy Reform Act of new Article I judges appointed to a separate court designated as an "adjunct" of the district court. H.R. 3 would create for the first time a new national system of independent trial courts, served by life-tenured specialist judges, paralleling the existing system of district courts.

METHOD OF APPOINTMENT

Both S. 1013 and H.R. 3 would provide for new bankruptcy judges to be appointed by the President, subject to Senate confirmation. H.R. 3257 would preserve the existing process of court appointment of bankruptcy judges, although changing the appointing court from the district court to the court of appeals.

NUMBER OF JUDGES

Both H.R. 3 and S. 1013 would provide the appointment of new bankruptcy judges in essentially the same numbers and locations as there are full-time bankruptcy judges on duty today (230). H.R. 3257 would continue the incumbent bankruptcy judges in office for periods of up to eight years, thereafter appointments and reappointments would be made—and positions abolished or new positions established—based on need as determined by the Judicial Conference of the United States. Accordingly, only H.R. 3257 provides the necessary flexibility to accommodate fluctuating bankruptcy caseloads and changes in the laws—such as those proposed in H.R. 1800—and the effect on judicial workloads of congressional resolution of the U.S. Trustee program.

JURISDICTION AND AUTHORITY

Each of the bills retains the broad grant of bankruptcy jurisdiction authorized by the 1978 Reform Act. H.R. 3 would confer all of the jurisdiction directly upon the bankruptcy judges. S. 1013 would vest the jurisdiction in the district courts and "pass through" jurisdiction over most bankruptcy cases and proceedings to bankruptcy judges of the new court. H.R. 3257 would also vest all the jurisdiction in the district courts and would allow the bankruptcy judges to exercise the authority of that court under prescribed guidelines and procedures. The procedures for vesting bankruptcy judges with authority under both S. 1013 and H.R. 3257 are fashioned after the system used today under the Judicial Conference's Model Rule for the Continued Operation of the Bankruptcy Court System. The experience under that rule indicates that few of the matters involved in bankruptcy petitions are referred to district judges.

DISTRICT AND CIRCUIT JUDGESHIPS

H.R. 3257 and S. 1013 would authorize the additional district and circuit judgeships recommended to date as necessary to handle existing caseloads. H.R. 3257 would authorize one additional temporary judgeship and S. 1013 would authorize ten additional permanent judgeships over the Conference's recommendations. H.R. 3 would not authorize any additional district or circuit judgeships.

H.R. 3257—SUMMARY OF PROVISIONS

Title I contains the basic jurisdictional and procedural provisions for bankruptcy proceedings. Section 101 retains the 1978 Act's pervasive grant of jurisdiction to the district courts and eliminates the provision passing that jurisdiction to the bankruptcy courts which the Supreme Court found to be unconstitutional in the Northern Pipeline case. In addition the courts are encouraged to abstain from hearing proceedings that are only peripherally related to a bankruptcy petition.

Section 102 and 103 re-enact, with minor technical amendments, four provisions of the 1978 Act relating to venue and removal of bankruptcy cases and proceedings.

Section 104 provides for a system of bankruptcy judges—as officers of the existing district courts—appointed to 14-year terms by the court of appeals. Bankruptcy judges are authorized to hear and determine, subject to appeals, bankruptcy cases and core bankruptcy proceedings (i.e., matters affecting the administration of estates and the adjustment of debtor-creditor relations). Other proceedings that are only peripherally related to the underlying bankruptcy petition may also be referred to bankruptcy judges but only for the preparation of proposed findings and conclusions. In such a case, the district judge will make the final determination unless the parties consent to adjudication by the bankruptcy judge.

Section 105 continues the current salaries of bankruptcy judges.

Section 106 extends the term of office of each incumbent full-time bankruptcy judge for eight years since the date of the judge's last appointment or reappointment and for two years from the date of enactment of the bill in the case of a part-time bankruptcy judge.

Title II creates 24 additional circuit and 52 additional district judgeships which are needed to adjudicate existing caseloads and adjust existing retirement provisions.

Title III contains 20 conforming amendments to miscellaneous provisions of title 28, magistrates' authority, the transitional provisions of the 1978 Bankruptcy Reform Act, and retirement, and leave provisions of title 5.

Title IV contains 4 miscellaneous amendments that (1) ensure that the authority conferred by this Act is the basis for determination of the powers of court officers; (2) allow severability in the event that any provision is held invalid; (3) provide a preference for incumbent bankruptcy judge; and (4) provide that the Act shall take effect upon enactment.

H.R. 3257 (AS MODIFIED)—BANKRUPTCY COURT AMENDMENTS OF 1981

Section-by-section analysis

Title I—Bankruptcy Jurisdiction and Procedure

Section 101. This section amends sections 1334 of title 28 of the United States Code to provide that the Federal district court shall have original and exclusive jurisdiction over all bankruptcy cases. In addition, the district court would have original, but not exclusive, jurisdiction over bankruptcy-related matters. On its own motion or the motion of a party, the district court may abstain from hearing any non-bankruptcy issue. On the motion of a party, the district court shall abstain from hearing a proceeding that is essentially a matter of state law if the action has been commenced in a state forum. This abstention is not reviewable by appeal or otherwise. These matters could then be remanded to a state court for prompt resolution.

Section 102. This section enacts the venue provisions for bankruptcy cases established in the Bankruptcy Reform Act of 1978, with necessary modifications to accomodate the continued jurisdiction of the district court over such matters.

Section 103. This section enacts the provisions for removal of bankruptcy cases contained in the Bankruptcy Reform Act of 1978 with necessary modifications to accomodate the continued jurisdiction of the district court over such matters.

Section 104. This section amends Title 28 of the United States Code by adding, after Chapter 5, the following new Chapter 6:

§ 151. Designation of bankruptcy courts

This section establishes each bankruptcy court as a unit of the Federal district court. Each bankruptcy judge, as a judicial officer of the district court, may exercise authority conferred under this chapter.

§ 152. Appointment of bankruptcy judges

The bankruptcy judges for the judicial district established under Chapter 5 would be appointed for a 14-year term by the U.S. Court of Appeals for the circuit. The Judicial Conference of the U.S. shall determine the number and stations of the bankruptcy judges, based on the recommendations of the Director of the Administrative Office of the U.S. Courts in consultation with the judicial council of the circuit involved. The judges of the district courts for the territories shall also serve as bankruptcy judges, unless the Judicial Conference authorizes a bankruptcy judge for a particular territory.

A bankruptcy judge may be removed only for incompetence, misconduct, neglect of duty, or physical or mental disability, and only the the judicial council of the particular circuit. A majority of judges must concur in the order of removal. Prior to such an order, the bankruptcy judges must have had full notice of the charges and a chance to be heard.

§ 153. Salaries; character of service

Each bankruptcy judge shall serve full-time and be paid at an annual rate determined under section 225 of the Federal Salary Act of 1967. Such judges must take an oath to faithfully execute their duties. In addition, bankruptcy judges are prohibited from holding any other office and are subject to regulations of the Conference as to their conduct in office and other activities.

§ 154. Division of business; chief judge

Each bankruptcy unit having more than one judge shall by majority vote promulgate rules for the division of business, unless otherwise provided for by the district court. In addition, in each district court with more than one judge, the district court shall designate one judge as chief judge, who will ensure that the rules of the bankruptcy court and district court are followed.

§ 155. Temporary transfer of bankruptcy judges

A bankruptcy judge may serve temporarily in another district with the approval of the judicial councils of the circuits involved.

§ 156. Staff; expenses

A bankruptcy judge may appoint supporting personnel, such as a secretary, a law clerk and clerical assistants. Such personnel must be authorized by the Director of the Administrative Office. The judicial council with the approval of the Director may authorize the bankruptcy judges to appoint a clerk of the bankruptcy court and necessary deputies.

§ 157. Procedures

The district court may provide that all cases under title 11 and all proceedings arising under title 11 or arising in or related to a case under title 11 be referred to the bankruptcy judges.

Subsection (b)(1) provides that a bankruptcy judge may hear and determine all cases under title 11 and all core proceedings arising under title 11 or in a case under title 11, subject to review under section 158.

Subsection (b)(2) lists the types of proceedings that are considered "core proceedings". Subsection (b)(3) provides that a bankruptcy judge on the judge's own motion or the motion of a party may determine whether a proceeding is a "core proceeding" or a proceeding otherwise related to a case under title 11.

Subsection (c)(1) provides that a bankruptcy judge may hear a proceeding that is related to a case under title 11 and submit to the district court proposed findings of fact and conclusions of law. The final order or judgment shall be entered by the district court after review of the bankruptcy judge's recommendations and after de novo review of those matters objected to by the parties. Subsection (c)(2) provides that the district court, with consent of all parties, may refer a related proceeding to a bankruptcy judge for final determination, subject to review under section 158.

Subsection (d) provides that the district court on its own motion or the motion of a party may withdraw the case or proceeding, in whole or in part; but the district court must grant a motion to withdraw a proceeding if the court determines that resolution includes consideration of both title 11 and other laws of the United States regulating organizations or activities affecting interstate commerce.

§ 158. Appeals

Any final judgments, orders and decrees of the bankruptcy judge may be appealed to the district court in the same manner as appeals are generally taken to the court of appeals from the district court. The final decisions, judgments, orders and decrees of the district court under this section may be appealed to the court of appeals.

Section 105. The salary that a bankruptcy judge is paid immediately prior to enactment of this Act will remain in effect until changed by § 153(a) of title 28, as added by this Act.

Section 106. Notwithstanding § 152 of title 28, as added by this Act, the term of office of the incumbent full-time bankruptcy judges will expire 8 years after such judge was last appointed or continued in office by the 1978 Act. Incumbent part-time bankruptcy judges are continued in office for two years from the date of enactment.

Title II—Omnibus Judgeships

Section 201. This section authorizes the appointment by the President with the advice and consent of the Senate of an additional 24 judges for the U.S. Court of Appeals. The judgeships provided by this section have already been determined by the Judicial Conference to be necessary to meet the burdens of existing appeals in circuit courts.

Section 202. This section provides for the appointment by the President with the advice and consent of the Senate of an additional 52 judges for the U.S. District Court. The positions are needed for existing caseloads.

Section 203. This section amends section 371 of title 28 of the United States Code to provide for the retirement or resignation for age and service of Article III judges. The age and service requirements are as follows:

Attained age:	*Years of service*
65	15
66	14
67	13
68	12
69	11
70	10

Title III—Conforming Amendments

Sections 301 and 302. Conforming amendments to redesignate sections of title 28.

Section 303. A conforming amendment that relates to the duties of the Federal Judicial Center.

Section 304. A conforming amendment that deletes references to part-time referees in bankruptcy and changes reference to "the Conference" to "the Judicial Conference of the United States." With the approval of the Judicial Conference a United States magistrate may be authorized to serve as a bankruptcy judge.

Section 305. This section would amend the compensation of magistrates to a rate determined under section 225 of the Federal Salary Act and correct a drafting error in the 1978 Act.

Section 306. This section clarifies the authority and powers of a magistrate under § 636 of title 28, with respect to bankruptcy matters.

Section 307. This section is a conforming amendment relating to the ineligibility of the clerk of the court for certain offices.

Section 308. This section is a conforming amendment made in regard to Indian tribes in the State of Alaska.

Section 309. The authority for the collection of filing fees for bankruptcy cases is amended in light of the changes in court structure provided for in this Act.

Section 310. This section corrects various cross references in title 5.

Sections 311 and 312. Certain transitional provisions of the Bankruptcy Reform Act of 1978 are repealed.

Section 313. This section provides that, on the date of enactment, the district courts are vested with the jurisdiction over pending bankruptcy cases in conformance with section 1334 of Title 28 of this Act. In addition, any appeals pending before bankruptcy appellate panels shall be transferred to the appropriate district court.

Section 314. This section clarifies the definition of bankruptcy judge in conformance with this Act for purposes of retirement. This provision also clarifies the deductions from base pay for retirement and the eligibility for an annuity for such judges.

Section 315. The adjustments in retirement made by this Act are not to be construed as creating a new government retirement system.

Section 316. This section revises a 1978 amendment to the annual and sick leave section of title 5 so as to continue the exemption of bankruptcy judges and magistrates from the definition of employee.

Title IV—Miscellaneous Amendments

Section 401. This section amends section 105 of title 11 and makes the necessary modifications to accommodate the continued jurisdiction of the district court and its officers.

Section 402. This section contains a severability or savings provision designed to ensure the continued operation of the law to the extent possible should any provisions be declared unconstitutional.

Section 403. This section provides for the appointment of bankruptcy judges on the basis of merit. The court of appeals should consider character, experience, ability, impartiality, health, membership in a state bar, and commitment to equal justice. In addition, every effort should be made to fill each vacancy without regard to race, color, sex, religion or national origin. Moreover, it is the sense of Congress that, when a term extended by section 106 expires, the court consider for reappointment the incumbent bankruptcy judge.

Section 404. The Act will take effect upon the date of enactment, except that sections 201 and 202 shall take effect on January 21, 1985.●

VIETNAM VET HELPS OTHERS IN RECOVERING FROM A WAR

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. FLORIO. Mr. Speaker, the story of Wayne Wilson is one which can be told by Vietnam veterans throughout this country. The problems, adjustments, and despair common to Wayne Wilson and his comrades would drive some to frustration but to Wayne Wilson they served as an impetus for determined activity.

There are some 3 million veterans of that tragic conflict in Southeast Asia. They were our Nation's people who were sent to fight a war in the farthest corner of the globe. They fought, and fought well, distinguishing themselves by being accorded the highest honor this Nation can offer—the Congressional Medal of Honor—on 207 occasions.

Now those young men and women are veterans. Each has been faced with an intensely personal journey as they try to assimilate themselves into a society which initially rejected them. Wayne Wilson can tell you just how difficult that journey has been.

Mr. Speaker, Wayne Wilson is the executive director of the New Jersey Agent Orange Commission. H.R. 1961, the agent orange relief bill which I and 205 of my colleagues cosponsored, has been welcomed by Wayne Wilson and Vietnam veterans everywhere. But this is not enough.

The current administration speaks of the Vietnam conflict as a "noble cause" yet is reluctant to offer assistance to those who fought it. Why are the nearly 1 million veterans of all ages in New Jersey relegated to the use of two overcrowded Veterans' Administration hospitals and one outpatient clinic? Mr. Speaker, why are the nearly 300,000 veterans of southern New Jersey forced to travel to neighboring States at great inconvenience to receive medical care at VA facilities? Mr. Speaker, I speak for Wayne Wilson and his thousands of comrades in New Jersey when I say that this administration is not doing enough to care for those who have risked the highest sacrifice in defense of this Nation.

Mr. Speaker, an article describing Wayne Wilson and his activities which appeared in the Philadelphia Inquirer follows:

VIETNAM VET HELPS OTHERS IN RECOVERING FROM A WAR

(By Carolyn Bevis)

When Wayne Wilson returned from Vietnam after being wounded in action in 1972, support services for Vietnam veterans were not readily available.

"I still had Vietnam very much on my mind . . . and no one wanted to talk about it," he said ". . . By the millions we just went on for a couple of years trying to pick up our lives, with the feeling inside that something was still there."

Today, Wilson spends about 70 hours each week providing social services to Vietnam veterans and their families and coordinating medical research into the effects of wartime exposure to the dioxin-laden herbicide Agent Orange.

Wilson, 41, is executive director of the New Jersey Agent Orange Commission, a state agency in Trenton.

"This office is probably the hub of Vietnam veteran activities in New Jersey," Wilson said. Despite the commission's official title, its scope is not limited to issues strictly related to Agent Orange. Wilson said he would address "whatever a Vietnam veteran needs."

Wilson lectures on Agent Orange and delayed stress to veterans throughout the state, distributes information about political and health issues affecting Vietnam veterans, refers veterans to legal and medical assistance, and publishes a newsletter tracking developments in research and legislation concerning Agent Orange.

Other services take on a more personal note. Wilson listens to those who need counseling, advises those applying for disability benefits or seeking medical treatment, and arranges reunions among men seeking their old comrades in arms.

Wilson, a former career soldier, served a one-year tour of duty in Vietnam with the infantry during 1968 and 1969. He was ordered back for a second tour in 1971, during which he was caught in an ambush. He was retired from the military for medical reasons in 1972.

He declined to talk of his own experiences with Agent Orange, stressing that the commission guarantees the confidentiality of all veterans' medical histories. He did say he was classified as having service-related post-traumatic stress disorder.

In 1972, little was known about post-traumatic stress disorder, a delayed reaction to

traumatic experiences often marked by recurrent flashbacks, alienation, nervousness, anxiety sleep disturbances, lack of concentration or guilt feelings.

The "Forgotten Warrior Study," released by the Disabled American Veterans in 1976, called attention to readjustment problems among Vietnam veterans. In 1981 the Veterans Administration classified post-traumatic stress disorder as a service-related, compensable disability. Initially, it was estimated that 500,000 Vietnam veterans have this condition; today the estimate is 1.5 million.

Wilson first became immersed in veterans activities in 1972 as a student at Rutgers University's Camden campus. When the benefit check he was entitled to under the G.I. bill became nine months overdue, he and other Vietnam veterans formed a veterans affairs office on campus. Their purpose was to address such issues with the Veterans Administration and to provide mutual support in the turbulent campus atmosphere of the early 1970s.

"There were hundreds of us—Vietnam veterans—on the Rutgers Camden campus, and we tried to keep a very low profile," he said. "We didn't want to identify outselves. It was very hard. The focus of anti-war demonstrations was on college campuses. You know, people weren't exactly buying us lunch. So guys tried very hard to fit in. Half of us carried guns. We were scared to death. It was an incredible experience."

After graduating from Rutgers with a degree in community affairs, Wilson managed the veterans affairs office at Stockton State College in Pomona, N.J., for two years.

When the New Jersey Agent Orange Commission was organized in 1980, Wilson was operating a candy store in Maine with his wife, seeking respite from the difficult issues confronting Vietnam veterans.

He was summoned by William C. Doyle, now director of veteran's programs in New Jersey, to take the job of executive director.

The commission was established by the New Jersey Legislature to provide veterans services that federal agencies had failed to provide. It became permanent in 1982.

One purpose of the commission is to research the effects of Agent Orange on Vietnam veterans. The National Cancer Institute first reported in the late 1960s that Agent Orange caused birth defects in mice; since that time, however, little evidence has been produced on the effects of the herbicide on humans.

The definitive federal study of the effects of exposure to Agent Orange, ordered by Congress in 1979, is being conducted by the Centers for Disease Control in Atlanta. The results are not anticipated until 1988.

In the meantime, some state governments are initiating social-service programs for affected Vietnam veterans. Three years ago the New Jersey commission was the only such agency in the country; today 21 other states provide such services.

Wilson said he had received calls for assistance from veterans throughout the country and even from outposts in the Middle East. "If there were places for veterans to go, we would not be hearing from around the country," he said.

The commission consists of a nine-member nonsalaried administrative body, of which six must be Vietnam veterans. Daily operations are carried out by a three-member salaried staff—Wilson, outreach coordinator Marc Williams and secretary Eileen Birk. The commission operates on a $250,000 state-funded budget. Wilson is quick to point out, however, that the commission is autonomous.

"I think that's important," he said. "That's given us the flexibility to say what has to be said, to decide how we're going to spend our funds and to do the kind of research that we feel is important without going through this weighted process of getting people's approval. . . . The veterans appreciate it and I think there are people in state government that like it, but it's a little bit unusual in government projects to be independent or outspoken."

The commission is conducting a dioxin-analysis study to compare dioxin levels measured in the blood of Vietnam veterans with those of two control groups.

A review of death records by the commission and the New Jersey Department of Health will determine if Vietnam veterans are dying at a higher rate than their non-veteran peers, and if so, of what causes. More than a million death certificates have been computerized and screened.

The researchers working with the commission are unsalaried volunteers who hold fulltime jobs elsewhere.

As Wilson obtains information about the progress of research, legislation and litigation concerning Agent Orange, he passes it on to Vietnam veterans in New Jersey through the commission's newsletter.

Wilson's goal is to put each of the state's 89,000 Vietnam veterans on his mailing list; so far he has accounted for 77,000. If the veterans do not come to the commission for assistance, the commission will find them, Wilson said.

"I think there's a reluctance among Vietnam veterans as a group to trust institutions or agencies. We were told that Vietnam was one thing, and we learned in a couple days that it was not what they told us it was.

"Then we suffered through the 11 months and 27 days, or whatever, and I think you say inside, 'I'm not going to be so trusting next time.' Most Vietnam veterans do not apply for programs or benefits. Some say they won't take anything, ever, from the government or the VA."

Now self-help groups and newsletters organized by the veterans themselves are springing up around the country, Wilson said. "Being with other Vietnam veterans is good therapy," he said, "and I don't think we need to do million-dollar studies to find that out."●

A TRIBUTE TO HENRY GREER

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. JEFFORDS. Mr. Speaker, I would like to make my colleagues in the House aware of a very special person, Vermonter and American—Henry Greer of East Burke, Vt.

They say the Green Mountain State represents the way America was. If this is true, then Henry Greer certainly typifies the cherished American values of honesty, good naturedness, and integrity.

I first became aware of Henry, myself, when his small service station in East Burke was threatened by a pull out of a major oil company from Vermont. Things worked out for Henry on this score much to the relief of his customers. But, Henry is now fighting a tougher battle—cancer.

Henry has touched many people's lives—his family, neighbors, and countless visitors to his beautiful section of the country in need of a tankful of gas, and oil filter or some quick directions.

I would like to submit the following articles that appeared in the February 14, 1984, edition of the Lyndonville Weekly News as a fitting tribute to Henry Greer, an American treasure.

[From the Weekly News, Feb. 14, 1984]

MORE THAN A LANDMARK

(By Bill Jackson)

As we all know, some people are born Vermonters, while others only achieve Vermonterhood after great exertions—if at all.

A true Vermonter's easygoing humor is a "fresh of breath air," as they say. "Why do they build round barns?" you ask the Vermonter. "So the kayows can't crap in the corners," the Vermonter informs you with a pokerchip face. But besides the delightfully honest and earthy outlook crystalized by realities of winter, and sometimes a formal reserve, once the ice is broken there's often a hospitality warm with charm.

Of all the true Vermonters I've known, Henry Greer of East Burke stands among the best exemplars of that great tradition. Driving around the curve in East Burke, you wave to Henry, there in the garage door, and with his outstretched arm he returns the wave in his special, unrushed way, blue work-shirt sleeves rolled to the elbow, cigarette dangling from his lips . . . Shazzzam! You feel at home.

If you've ever had your car serviced at the East Burke garage, which the Greer Family has owned and operated for many years, you know about Henry's legendary repairs. If your engine can be fixed with a piece of baling wire, Henry sells it to you at price, practically, and puts it in for almost nothing. "Your back tire's bald. I think I have one in that pile over there. Go ahead and take it if you find it." Henry's compassionate prices spoil you if you ever have car trouble in another town. And the material benefits are only part of the story. As one journeyman Vermonter said: "Henry may not allus fix what you haul in there, but you allus leave feeling a hell of a lot better!"

Reminds me of a Henry story Dr. Tim Thompson told:

"I ran into a friend from downcountry on a trip to Boston in midwinter once."

"I was way up North last week," he said. "Man, it was cold!"

"Where were you?" I asked.

"O, I don't know. Way below zero. Someplace up in Canada. Named East Burke, I think. So cold the car wouldn't start. I couldn't believe it."

"Did you get Henry to start it?" I asked.

"Yah," he said, astounded—"How'd you know?"

Dr. Thompson just laughed.

Ten years ago, another friend, Carol Rose (Fried) lived in Burke, in a household with four cars. "One of them would always start, right? Wrong!" she said. "One Christmas not a single engine would turn over, so reluctantly we gave Henry a call. He arrives in brand new work clothes, must've been a Christmas present, but no coat, of course. When he got all the cars humming like a

chorus of Jinglebells we opened the door for him to come in the house. We asked him what we could pay him and he says, "O I couldn't take anything on Christmas. "Rather than charge more like other places on a holiday, he wouldn't take anything at all!"

At that same time, my wife and I had a 1967 VW with a rebuilt 1965 engine in it. Needed a new distributor cap, so Henry put in the new part, and charged us twelve bucks. On the way home the bug threw a rod and that was that. Had to call Henry to come haul it to his auto graveyard; you could see he felt bad that he'd just fixed and sold us a new part when the "pregnant roller skate" (as we used to call VWs back in Rock Island, Illinois) couldn't make it home. Like other Vermont mechanics, Henry has helped his share of stranded travellers, mudstuck souls at 1 a.m., vacationers with the out of gas blues. True Vermonters often act as if they've been insulted when they've generously helped some flatlander and he tries to forget the favor and debt by simply paying off in cash. "They's some up here that ain't impressed with money," as Virginia, Henry's wife once told me. The best way to repay the favor is to help someone else.

Henry's irreverent humor is renowned all over the Northeast Kingdom. Years ago when I first told him we were building in Newark, where his mother-in-law, Shirley Legacy had lived, Henry said he knew Newark well. "We all make mistakes," he said, "that's how we learn. God learned quite a lot when he made Newark. Gotta learn someplace. And those lessons came in handy when he created other towns—never made the same mistake twice."

I asked Henry if he noticed much change over the past decade and a half in Burke. "Used to be we'd get a break around here sugaring time. Mud season we'd clean up the joint, paint it. Now it seems busy year-round." A gleam in his eye, he holds up a bolt, and ponders it. "If it's short, I can always splice it, but if it's too long, boy, then I'm in a jam." Then that infectious laugh of delight. "You know, there was a sawmill just a little upriver from this garage. Noontimes, Olga, down the street, would step out on to her front porch and call 'Craw-ford! Dinner!' and the loud sawing would suddenly stop and Crawford would go eat. What a voice!"

Henry usually doesn't take much of a vacation—too busy. Once a summer he closes down the gas station for a couple days, drives as far as he can, relaxes in some motel with a swimming pool, and before long, drives back to Burke, where a line of motorists are waiting with new problems to be solved.

Henry told me that when he started out he worked for the previous owner of the East Burke garage, a man known for his tinderbox temper. "Something was always touching it off. I remember one supplier was forever sending stuff the owner never ordered. That'd really get his goat. Always blew his stack! and then ordered the stuff shipped back. Once some grease came in that he never ordered; he exploded and sent it back. Me and the other guys who worked for him fixed up an empty carton of grease cans on the next delivery day so he'd think the same damn thing was happening all over again. Set it with the other stuff delivered that day. He saw it and started cussin' a blue streak, smoke pouring out his ears! He hauls off and kicks the box and it sails up through the air . . . and floats down real slow, like his jaw falling, and he turns on his heels and heads out, doesn't come back for a day and a half."

More laughter at the memory . . . and Virginia, who keeps the garage accounts and drives the East Burke school bus, laughs too. And Henry remembers another time . . . The owner had a trick he liked to pull on the guys who worked in the garage. "He used to plug in the sparkplug tester and push the button while the guys were working on a car. Then he'd laugh to watch them jump and yell. We waited, then once when he was putting an engine back into a car, laying on his back guiding it into place, adjusting it just right, we plugged in the old sparkplug tester—everytime he touched the car body with the engine he'd get a shock. I think everybody got a charge out of that!"

I'm sure a lot of people in the Kingdom have stories. The cast-iron stove Henry welded for them, the sugaring rig he fixed, the tractor, the chainsaw, how many rattletraps has he kept running up the arctic mountains, with his magic touch? And all for just about zip, if you're poor. True Vermonters, like the legendary Henry Greer, and like Roger Badger of West Burke, with their humor and independence, are rich in generosity, always putting themselves out for others. They are the backbone of the volunteer fire departments, and other community-minded groups. Every town should be so lucky as to have such Mr. Fixits.

Though they always have more than enough to do, they often find the time to be good neighbors, no strings attached, and no fanfare. In response, your gratitude makes you find someone else to return the good turn to. The Vermont motto, "Freedom and Unity" expresses an ideal we all cherish; its values of individuality and solidarity are exemplified by the likes of Henry Greer. So I hereby propose a toast to the true Green Mountain boys, from all journeyman Vermonters. A toast to Henry Greer, who lends a hand to lots of travellers, with his wrench and hammer wisdom and humor, his laugh and his true grit.●

ST. PATRICK'S DAY MESSAGE

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. SHANNON. Mr. Speaker, I have the honor of submitting the text of the Friends of Ireland's 1984 St. Patrick's Day message. This is the fourth annual message from the Friends of Ireland. In it, we reaffirm our strong commitment to the political process as the way forward in Northern Ireland and we urge all Americans to reject the pleas of those who seek by word or deed or dollar to promote or condone the cause of violence. We commend the work of the New Ireland Forum which has sought since last March to develop new approaches to dispel the underlying causes of the violence, and we await their final report with great hope for the future. The resolution has been endorsed by 40 Members of the Senate and 62 Members of the House. I commend it for the consideration of my colleagues:

FRIENDS OF IRELAND, ST. PATRICK'S DAY STATEMENT

St. Patrick's Day 1984 arrives at a time of anticipation for all in the United States who are friends of Ireland and who seek progress toward a peaceful resolution of the conflict in Northern Ireland.

It is true that savage acts of terror perpetrated in recent months remind us of the never-ending violence that has been the reality of life in Northern Ireland since 1969. Sectarian slayings by paramilitary assassination squads, the machine gunning of a congregation at prayer, the bombing of Christmas shoppers in London, the murder of public officials and elected representatives, and other senseless assaults proclaim the festering tragedy of Northern Ireland, where killing is no respecter of frontiers. Once again, the violence crossed the border to the Republic of Ireland, where the first Irish soldier ever was slain by the Provisional IRA.

Time no longer takes the side of peace in Northern Ireland; we are mindful of the words of Yeats that "Too Long a sacrifice/ Can make a stone of the heart."

We unreservedly condemn the acts of violence on both sides; we renew our urgent appeal to all Americans to renounce the path of the bomb and the bullet and to reject the pleas of those who seek by word or deed or dollar to promote or condone the cause of violence.

Despite the killing and destruction, and emerging reality of a different sort gives hope on this St. Patrick's Day to the promise of a brighter future. We have been heartened by the work of the New Ireland Forum, which convened in Dublin in May 1983. Through the courageous and painstaking efforts of nationalist political leaders, the Forum is developing new approaches to dispel the underlying causes of the violence and relieve the heavy burden borne by the Irish people in human suffering and shattered hopes for progress and justice.

We urge all political leaders in Northern Ireland to review the Forum's work with open minds and open hearts. We hope that the report and recommendations of the Forum, soon to be issued, will be the basis for a new beginning in Ireland and for genuine progress toward peace and reconciliation. At this auspicious time, as the participants of the Forum approach the end of their deliberations, we wish them success in their historic effort to conceive a future that fully protects the rights and fairly reflects the aspirations of all the Irish people and each of the communities in Northern Ireland.

We also welcome the resumption during the past year of discussions on Northern Ireland between the Irish and British Prime Ministers. We commend the growing recognition in Great Britain that the problems of Northern Ireland cannot be met by security measures alone, but require a long-term political solution, acceptable to the Irish and British Governments and to people of Northern Ireland. We ask the British Government to give urgent and continuing priority to Northern Ireland in the coming year and to consult more closely with the Irish Government in the search for a solution. The work of the New Ireland Forum is a timely opportunity for a new and broader-based initiative to succeed.

The United States also has a role to play in facilitating the essential process of reconciliation within Ireland and between Britain and Ireland. We look forward to the visit

this week by the Prime Minister of Ireland, Dr. Garret FitzGerald, his discussion with President Reagan, and his address to a joint meeting of the Congress. We hope as well that President Reagan will use the opportunity of his own visit to Ireland and Britain in June to explore the many ways—diplomatic, political, and economic—in which the United States can contribute to the search for peace.

As Friends of Ireland in the Congress, we renew our support for the great goal of Irish unity, and we pledge in the coming year to continue our efforts for peace and reconciliation. We intend to build on the relationships we have already developed with Ireland's political leaders, both north and south, including the links we have established with the Irish Parliament. We are heartened by the support we have received from our colleagues in Dublin whom we welcomed on their visit to America last July. we look forward to productive new exchanges in the future.

Above all on this St. Patrick's Day, we reaffirm our commitment to peace in Ireland and to a future in which all the Irish people—from both traditions and from north and south—will prosper and advance together. The attainment of this new Ireland is the worthy goal of all in the United States who are truly friends of Ireland.

U.S. SENATE

Edward M. Kennedy, Daniel Patrick Moynihan, Christopher J. Dodd, Max Baucus, Joseph R. Biden, Jr., Jeff Bingaman, Bill Bradley, Robert C. Byrd, Thad Cochran, Alan Cranston, John C. Danforth, Alan J. Dixon, Pete V. Domenici, David Durenberger, Thomas F. Eagleton, John Glenn, Gary Hart, Orrin G. Hatch, John Heinz

Ernest F. Hollings, Daniel K. Inouye, Frank R. Lautenberg, Paul Laxalt, Patrick J. Leahy, Carl Levin, Spark M. Matsunaga, Howard M. Metzenbaum, George J. Mitchell, Claiborne Pell, William Proxmire, Dan Quayle, Jennings W. Randolph, Donald W. Riegle, Paul S. Sarbanes, Jim Sasser, Arlen Specter, Paul E. Tsongas, Lowell P. Weicker, Dale Bumpers, William S. Cohen.

HOUSE OF REPRESENTATIVES

Thomas P. O'Neill, Jr., Thomas S. Foley, James M. Shannon, Joseph M. McDade, Gary L. Ackerman, Frank Annunzio, Edward P. Boland, Don Bonker, Frederick C. Boucher, Silvio O. Conte, Lawrence Coughlin, William J. Coyne, Brian J. Donnelly, Thomas J. Downey, Richard J. Durbin, Bernard J. Dwyer, Roy Dyson, Joseph D. Early, Walter E. Fauntroy, Edward F. Feighan.

Geraldine A. Ferraro, Edwin B. Forsythe, Barney Frank, Sam Gejdenson, Bill Green, Frank Harrison, Dennis M. Hertel, Frank Horton, James J. Howard, William J. Hughes, Mary Kaptur, Joe Kolter, Peter H. Kostmayer, Robert J. Lagomarsino, Mel Levine, Elliott H. Levitas, Frank McCloskey, Matthew F. McHugh, Stewart B. McKinney, James F. McNulty, Jr.

Edward J. Markey, Lynn Martin, Joseph G. Minish, Joe Moakley, Jim Moody, Bruce A. Morrison, Robert J. Mrazek, Austin J. Murphy, Henry J. Nowak, Mary Rose Oakar, Charles B. Rangel, Peter W. Rodino, Jr., John F. Seiberling, Jim Slattery, Lawrence J. Smith, Samuel J. Stratton, Bob Traxler, Doug Walgren, Lane Evans, Vic Fazio, Barbara B. Kennelly, Edward R. Madigan.●

THUNDERING HERD THUNDERS INTO NCAA TOURNEY

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. RAHALL. Mr. Speaker, It is with great pleasure and pride that I join the thousands of Marshall University basketball fans from throughout West Virginia, and all over the Nation, in wishing the Thundering Herd the best of luck as they enter this year's NCAA basketball tournament.

Coach Rick Huckaby and his team won the school's first trip to the tournament, since 1972, with a double overtime victory in the Southern Conference championship game.

I would also like to congratulate first-year Coach Huckaby, on being selected the Southern Conference Coach of the Year.

As longtime Huntington Herald dispatch sports columnist, Ernie Salvatore said, "In one word, the greatest," in describing Marshall's victory in the conference tournament game against Tennessee-Chattanooga; that "greatest" feeling is still overwhelming the Thundering Herd faithful as they prepare for their drive to the final four in Seattle.

As they take their 25-5 record into the first-round clash against Villanova, Marshall will continue to receive the love and support of their fans eveywhere, and I just want to take this opportunity to wish them the very best.

As further evidence of what this team means to the Huntington community, I would like to share with my colleagues a column written by Don Hatfield, publisher of the Huntington Herald Dispatch.

[From the Huntington (W. Va.) Herald-Dispatch, Mar. 11, 1984]

HUCK'S HERD: HUNTINGTON—AT LAST—HAS ITS WINNER

(By Don Hatfield)

A few months ago, a local businessman was sitting in my office, somewhat troubled. The town was dead on its heels, he was saying. People had become negative. There seemed to be lots of bickering wherever one went.

"What this town needs," he said, "is a winner. Any kind of winner."

Two weeks ago, on a crisp, bright Sunday morning, I ran into a friend while walking in the park. "Wasn't last night's celebration something?" she said. "I've never seen anything like it."

She was talking about the arrival at Tri-State Airport of the Marshall University basketball team, which had just defeated Davidson, clinching the regular season Southern Conference championship. The woman and her husband, like more than a thousand others, had gone to the airport to welcome home the team.

"And just think," she went on. "One man made the difference."

She referred, of course, to Rick Huckabay, Marshall's first-year coach, who has been a mountain of optimism since arriving here last March.

Well, many more good things have happened to the Marshall team, and consequently to Huntington, in the past two weeks. The Herd went on to Asheville, N.C., where it won three games and, in what has to be one of the great basketball games in the country in recent years, the SC tournament title.

More than 4,000 Huntingtonians were on hand to see that, and the atmosphere throughout Asheville was one not only of gaiety, but of—well, love.

Everywhere you looked, there was green—green blazers, green sweaters, green blouses, green pants, green hats, green boots.

The town of Asheville, which put on its best face for this tournament and which did a fine job as host, was impressed. I walked into a clothing store (I was not wearing green at the time) and a salesman said, "Where are you from, Huntington?"

"Yes," I said, "how did you know?"

"Everybody else is this weekend," he said.

In hotels, restaurants, bars, it was the same: packed with followers of Marshall, and every one of them happy. I did not hear one argument, and if you've been around many sports events you know what a rare thing that is.

And now, as Marshall prepares for its appearance in the NCAA tournament, Huntington itself is turned on in a way I cannot remember. There are signs all over the place—on store windows, marquees, billboards, over the streets and, yes, on two sides of our own Herald-Dispatch building.

The team and its coaches were guests of the governor Thursday, and were honored by the West Virginia Legislature. They've been honored by Huntington's City Council and by the City of Ashland.

They've received telephone calls, flowers, plaques, messages.

Huntington at last has it winner.

I am sure none of the Marshall players, indeed not even the much-aware Rick Huckabay, fully realizes what this group has done for our town.

There is more involved here than a sport or a basketball team.

Here we were, a city reeling from the recession, in a state leading the nation in unemployment. For years we had tried to build a Superblock downtown, and all we had to show for it was a huge parking lot. Some of our plants had closed. More than 50 of our merchants had gone out of business. Previous Marshall basketball teams had failed to get past the first round of the tournament. The Marshall football team had continued its losing ways.

In short, we were not a very happy town. Not very proud. Not at all optimistic.

And now it's different. People are smiling again. We're definitely proud again. Someone even said we seem suddenly to have become united—no small feat in these parts.

And all because of a college baskeball team and its charismatic coach.

The entire city owes them much thanks. Especially Rick Huckabay. Here's a man who came to our city and found things not quite the way he had expected. He had no car, no secretary, no stationery, few friends, few contacts and not nearly the money for his program that he had counted on. For a moment, he wondered if he'd made a mistake.

But he shrugged that away and set out to be positive. He spent his own money. He

made appearances and speaking engagements wherever he could. Never have I seen anyone work so hard in drumming up support—not for himself, but for the school and the team.

Despite setbacks and occasional criticism, he never permitted himself to be negative about anything. He told us that he was happy to be here, that he would produce a winner, and even that he loved us.

Well, he delivered. And we're the beneficiaries—all of us.

So it's on to the NCAA and, as the sign on the east side of our building says:

"Thanks, Herd—and good luck."●

VIRGINIA WILDERNESS BILL

HON. JAMES R. "JIM" OLIN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. OLIN. Mr. Speaker, today Congressman BOUCHER and I have introduced the Virginia National Forest Wilderness Act of 1984. The introduction of this legislation is the culmination of over a year of careful study by Mr. BOUCHER and myself.

Under the "Roadless Area Review" and "Evaluation II," the U.S. Forest Service made a careful and professional review of the lands in the national forest system to determine which areas would be appropriate for inclusion in the national wilderness preservation system. On the basis of this multiyear Forest Service study, a number of sites in Virginia were recommended for wilderness status by the U.S. Forest Service. These sites are contained in Congressman BOUCHER's and my congressional districts.

Over the last year I have talked with and heard from thousands of people in Virginia's Sixth Congressional District about wilderness. Elected officials and numerous civic organizations have expressed their opinions. With only a few exceptions, public opinion expressed at meetings and through correspondence has been supportive of wilderness by a wide margin.

In addition, over the last year I have hiked through all of the proposed wilderness sites in my congressional district for a firsthand appraisal of these sites.

On the basis of the recommendations of the Forest Service, the input I have received from interested citizens throughout the Sixth Congressional District, and my own review of these sites and the issues involved, I have proposed wilderness designations for St. Mary's and Ramsey's Draft in Augusta County, and Thunder Ridge in Rockbridge, Botetourt, and Bedford Counties. I am convinced that the protection offered by wilderness designations makes sense for these special sites.

The proposed St. Mary's Wilderness Area is 10,090 acres in southeastern Augusta County. It is situated mostly within the watershed of the St. Mary's River and its tributaries. The site lies on the western slopes of the Blue Ridge. The most outstanding feature of this area is the St. Mary's River itself and its numerous cascades.

The St. Mary's River is classed as the No. 1 native trout stream in its upper reaches and No. 2 in the lower reaches. The stream contains native brook, brown, and rainbow trouts. Because of its rugged terrain, St. Mary's is also prime bear habitat.

Ramsey's Draft is another good wilderness candidate. It is 6,725 acres in northwest Augusta County and located just off Route 250. The boundary of Ramsey's Draft is the ridge of mountains which surround the draft. It is a beautiful area with large stands of virgin timber and is a popular area for hikers and campers. With a good parking area available just off Route 250 and with the area naturally enclosed, those residing near the area are not likely to be affected in any way.

The Thunder Ridge Wilderness proposal will complement the existing adjacent James River Face Wilderness Area. This will provide a wilderness area in the Blue Ridge Mountains chain from the James River to Apple Orchard Mountain which includes a portion of the Appalachian Trail. The two wilderness areas are separated by Petites Gap Road. A 2-acre trail head parking area is provided for. Since James River Face is already a permanent class 1 area, the addition of Thunder Ridge will not result in additional clean air concerns.

At several other sites, concerns have been raised by some that wilderness designations at Rough Mountain, in Bath County, or Rich Hole, in Rockbridge and Alleghany Counties, might restrict economic growth in nearby communities. The possibility of a future redesignation of these sites to class 1 air, under the Clean Air Act, and the implications of such a redesignation, has been the subject of some debate.

Insuring that future economic growth is not jeopardized is an important priority. I have received conflicting information on the Clean Air Act implications of wilderness designations for Rough Mountain and Rich Hole. I view this as an important scientific and technical issue which needs to be addressed in a dispassionate, scientific manner before we proceed with designation recommendations for these two sites.

I will call upon the Environmental Protection Agency, the Government agency charged with administering the Clean Air Act, to conduct a thorough review of the issues and questions which have been raised in this debate on the sites near Covington, Va., where major industrial expansions are planned.

The bill Congressman BOUCHER and I have introduced today leaves Rich Hole and Rough Mountain in their current study status. The same is true for Barbours Creek and Shawvers Run in Craig County. Keeping these areas in their current status will protect them from development and maintain their natural character and integrity. At the same time, it provides us with the necessary time to resolve this technical, scientific question on the Clean Air Act.

Other than those four specific sites, all other sites reviewed under RARE II in both the George Washington and the Thomas Jefferson National Forests are returned to U.S. Forest Service multiple-use management under the legislation Congressman BOUCHER and I have introduced.

In the course of my review of sites recommended for wilderness by the U.S. Forest Service, I have found that there are some misconceptions about how wilderness areas are managed. For example, some have feared that if a fire starts in a wilderness area, the Forest Service would have to use bucket brigades and hand tools to fight it. The truth is that the Forest Service can take whatever actions are needed to put out the fire. The Wilderness Act of 1964 is clear on this point; section 4(d)(1) provides: "* * * such measures may be taken as may be necessary in the control of fire, insects, and diseases * * *"

Another misconception is that if someone gets hurt in a wilderness area they could only be brought out on foot. Again, the Wilderness Act of 1964 is clear that any steps necessary can be taken, including the construction of roads, or places to land aircraft, the construction of a temporary structure, or anything else that is necessary in emergencies involving the health and safety of persons in a wilderness area.

Beyond this broad authority, the Forest Service prepares site-specific wilderness management plans which reflect the particular needs of each individual wilderness areas. In the case of the St. Mary's River Wilderness Area, this will be a particularly important document.

A number of concerns had been raised in the communities immediately adjacent to St. Mary's that inadequate Forest Service patroling of the area has led to improper uses of the area for young people's parties and other activities which nearby residents find disturbing. I have found that there is some basis for their concerns over improper use and inadequate patroling. The wilderness management plan will prove extremely helpful in solving problems of this type. Wilderness designation for St. Mary's will increase the priority that the Forest Service will give to patroling and managing

this areas. Improper uses will be put to a stop.

I have already informed the Forest Service that more needs to be done in this area, and needs to be done soon. In the development of its St. Mary's wilderness management plan the Forest Service should provide ample opportunities for people living in nearby communities to comment, and the Forest Service should do everything possible to meet their desires and solve their special needs. One possible solution would be a minor rerouting of the access point to the area to take it away from people's home and increase the patroling of this areas. I plan to personally pursue this with the Forest Service and expect them to have public input as soon as possible, preferable in a nearby community.

Mr. Speaker, I believe that the legislation Congressman BOUCHER and I have introduced today is a balanced and reasonable bill. I urge my colleague to join us in cosponsoring the bill and urge the Interior and Insular Affairs Committee to do all that is possible to schedule timely hearings on the bill.●

IN MEMORY OF AL LOWENSTEIN, A CHAMPION OF JUSTICE

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. SOLARZ. Mr. Speaker, 4 years ago today an outstanding American, and a dear friend of mine, Al Lowenstein was killed.

His tragic and untimely death took from the American political scene a classic champion of the oppressed and a committed proponent of democracy. Al Lowenstein served his country, not only as a Member of the House of Representatives, and as a representative to the United Nations, but as a crusader for civil rights and a tireless educator and activist who truly believed in the power an aroused and informed citizenry could exercise to make our country, and our world, a better place in which to live.

Since the Congress is now considering legislation imposing sanctions on South Africa, I wanted to bring before my colleagues an essay which Al Lowenstein wrote in 1962 after a visit to South Africa. It is a most moving and compelling piece, which I think demonstrates what kind of man Al Lowenstein was, far more eloquently than anything I could say today.

Mr. Speaker, I insert the text of his essay in today's RECORD:

BRUTAL MANDATE 1962

(By Al Lowenstein)

Wherever we went the story for the black man was the same: terror, poverty, isolation, oppression . . .

And here, unlike the Union, there are no resident foreign correspondents and few travelers to focus world attention. There are virtually no sympathetic Europeans, and there is not a single African doctor, lawyer, engineer, or college graduate of any kind to buffer the simplicities of unchallenged white domination.

If you are black you are poor, and if you are black you can do nothing to change either your blackness or your being poor. So having nothing and doing nothing fuse like chewing and swallowing, and only the occasional exception reminds you that these are separable functions.

You are ill, too ill to work, and you stay home after years without a day missed. The police raid house to house in the Location and find you in your bed. You explain that you are ill, and are beaten until the police grow tired of the sport. Then you are arrested, for no one is allowed to stay away from work without first securing the permission of the white employer. But if you are particularly useful to the white employer, or if he is a kind man and you have not before been absent for many months, he may fetch you from the prison and pay your fine, subtracting it from your wages; and you will bow the head and smile and say, "Thank you, Baas." You scrimp four months to buy a ticket for the train to visit the family of you wife ninety miles away. You get the necessary permits, buy the necessary ticket, and then the white man will not let you on the train. There are no reasons given, but you bow the head and smile and say, "Thank you, Baas."

The stomachs and spirits of those who endure such permanent tactical quiescence pay a frightful price for repressing so much that is natural. But the price of behaving otherwise is incalculably worse.

Even people suspected of no infringement of any regulation are not free from the attentions of the police, who reach everywhere and terrify all nonwhites; which is, after all, one of their functions.

One morning, while wandering through the part of Windhoek where the European business area frays off into African slums, I noticed on a side street a stately Herero lady playing with a dog. She was dressed in the elegant robes and headdress of the Herero women that so mock European efforts to picture the African as a hopeless sloven. Balanced impossibly on her head were a pail and some packages. The dog was barking and wagging its tail; the lady was petting it; and visible in the background were the shacks and dust that mark the beginning of the African Location.

I hurried toward the lady, smiled, pointed to my camera, and asked if she would mind petting the dog a moment longer while I took a picture. There was some difficulty communicating precisely what it was I wanted, for white men do not often approach African women on the streets of Windhoek with such purposes in mind, but at last everything was set. Even the dog seemed to be cooperating. Then suddenly, out of nowhere, descended an Afrikaner policeman who had apparently been gazing at our little scenario for some time.

I wondered what we had done that had offended any tentacle of apartheid, and worried about petitions to the U.N. and exposed film that were on my person, but at first the policeman hardly seemed to notice me. He battered the woman with a torrent of noisy Afrikaans. She clutched the dog and looked around terrified, first toward the haven of the Location and then at me.

A few minutes of this crumbled my resolve to say nothing; the least I could do was to offer an apologetic explanation. This I did, to the general effect that the whole affair was my fault, not the lady's, and that I was terribly sorry if we had committed some sort of offense.

The only effect of this intervention was to confirm whatever suspicions the policeman may already have had that I was a foreigner, and to turn his attention to me. "That's the trouble with you people," he growled in guttural English. (It wasn't clear to me what people.) "Always pampering the natives."

He seemed uncertain how to proceed. Perhaps he was wondering if this were sufficient explanation to a foreigner for his treatment of the woman. "And her mistreating that little animal. They have no human feelings, none at all," he said, meaning the woman. Then, waving his club in her direction and barking in English, he ordered her to turn the dog loose, which she did.

The dog stayed where he was, licking her shoes, and we stood around in awkward silence. . . . I remained speechless, ashamed of my caution and afraid that I might not be able to sustain it.

But I shall not soon forget the terror and hate in the eyes of the African woman as she stood upright and dignified, still balancing her pail and her packages, a civilized human being at the mercy of a barbarian, while a cipher stood silently by. . . .

The incident really ended there, insofar as it ended anywhere. The dog released, the policeman moved toward me, but just as I started to fear the worst he said in confidential, almost paternal tones that I must beware of the criminal Kaffirs—the club began to wave toward the woman again—who otherwise would steal the clothes off my back and ruin my holiday. I tried to smile (this seemed to confirm that I was indeed a stranger on holiday), mumbled something polite, apologized to the lady for having delayed her, and left as calmly as I could. The club was still waving and the policeman was again shouting as I passed beyond earshot.

I relived the whole affair many times afterward—the shame at my cowardice, the concern about the ultimate fate of my partner in crime and a fleeting satisfaction that I had a least managed to communicate an apology to her in leaving, the curiosity about whether I would have behaved better if I had not been laden with incriminating matter; above all, the sickness of humilitation and impotence lingering in the stomach.

These are not things to forget, not even if you are white and hence not a direct victim of such things personally, not even when the perpetrators of such things spread hospitality and kindness around you like some pleasant-smelling salve applied to the wrong wounds. . . .

There are places where time soothes—where the passing of time is in fact the only real hope for peace. But this is not so in South Africa, where the African has less voice than he had a century ago and where the white man has less inclination to listen to what the African wants to say.

In South Africa time is now an abrasive, a countdown, a dead end. However her problems may finally be resolved, South Africa will need generations for soothing and healing; but before this process can start, time must become the ally of goodwill and rational behavior. There are no quick solutions for South Africa. There are only

things that might make slow solutions possible.

The General Assembly of the United Nations has now formally called on its member nations—by a vote of 97 to 2 with 1 abstention—to take "separate and collective action" to bring about the abandonment of South Africa's race policies. It should be clear that such action cannot come too soon.

But it is odd how great the gap between words and deeds seems to be when it comes to acting on the basis of one's own prognoses. Or perhaps the gap is between the saying of something and the believing of it; so that men can issue the direst of predictions and undertake only the most piddling of preventives, as if they did not believe their own prophecies and only wish to be numbered among those who will be able to say "I told you so" if the worst should come to pass. Thus foresight is wasted and unnecessary calamities take place as predicted.

It is a commonplace in South Africa and among those who follow her affairs elsewhere to say that time is running out, to warn against the carnage just ahead, and then to pass on to other matters. In this way even now the urgency is being sapped from the desperate appeals that are reaching the outside world; and farsighted men find their determination to act against South Africa before it is too late diluted by secret hopes that their own predictions will turn out to be wrong.

But if time is running out for South Africa, so is it also running out for America in South Africa. For the machine guns and horsewhips of Sharpeville and Cape Town are no farther from America's jugular than are the jungles of Laos, the firing squads of Havana, or the bridge at Andau.

There was a time not very long ago when the word "America" sang out hope and generosity and compassion, as indeed it still does where the contrast is at hand between American drift and Soviet despotism. But to much of the globe Soviet despotism is still only an American accusation, to be weighed against observed American performance and untested Soviet promises, and against the immediate of each on pressing local miseries.

How are men to judge this performance if we go on, in Michael Scott's memorable phrase, "condemning tyranny in one part of the world and condoning it on specious procedural grounds in another"? Or if, in swift succession, we find occasion to lecture Angolans against the use of violence; to oppose U.N. resolutions calling for "consideration" of sanctions (i.e., the only nonviolence that might work) against South Africa; and to organize and underwrite an invasion of Cuba? And if Castro in two years had provoked us sufficiently to warrant an announcement after the invasion that our "patience" is not "inexhaustible," is it unreasonable for many to find a suggestive contrast between this announcement and the fact that several centuries of oppression in southern Africa appear to have fatigued this "patience" hardly at all?

It is tragic, and may yet be tragedy triplicated, that so often this kind of American performance leaves an open field to communist promises. Tragedy first for the people whose agony is extended by our confusion and myopia. Tragedy next for Americans who are inviting a debacle that will not spare them because they were ignorant of its causes and unaware of its dimensions. Tragedy, finally, for the whole human race, including those who turned against us when we left them nowhere else to turn, if our failures enable the Communists to capture the world. For then no men, not those who suffered in southern Africa not those who caused the suffering nor any others, will know either peace or freedom.

So it may be said that the fate of continents and coalitions, and perhaps of generations, hangs in the balance in southern Africa; and the consciences of great nations sleep now at their own peril.

I have puzzled over it and am not sure I can explain, even to myself, the deep and unsettling affection I have come to have for South Africa. Someone from Mississippi might understand this sort of affection—someone from Mississippi who deplores the social system that produced him but who loves Mississippi for all his disapproval of her habits of life. But then that would be loving one's home, as one so often loves members of one's family whose behavior one does not condone.

Something of my feeling for South Africa surely comes of her natural charms, but I have been to other places with climate and scenery as admirable and have escaped uncaptured.

* * * * *

Many are the visitors whom South Africa has afflicted in this same strange way. But these are usually not the visitors who skim her surface and praise her business climate and her rose gardens. For the more you love this land, the more you understand and are held by her, the more you know how harmful is this kind of praise; and those who love her best know all the worst about her, and will speak out not to praise but to protest and to sound alarms. And those who hold the power in this place, who love not South Africa but some mad dream that never was and can never be, will brand them traitors and enemies for sounding such alarms, and jail or deport or ban them. Indeed one wonders what there will be to say in time to come for these people who, when all power was theirs, used it to degrade and torment, and could find not wisdom nor love to soften arrogance.

There is so much of South Africa that I have never seen and that I yearn to see. I have been there only by winter, and then too often in haste or flight. I have missed the sea from the top of Table Mountain, and Pretoria banked in jacarandas for the spring, and the Garden Route in flower. But most of all I have missed seeing this crisp and bountiful child of Nature blessed with the concord that can be the order of human existence where so much is available to all if no one takes what should belong to others.

That is the greatest beauty of all, and that no one has yet seen in South Africa. But those who love her most will work and fight and pray that somehow this will come to pass while they are still around to glory in the wonder of it.●

THE TIME FOR ACTION ON IMMIGRATION REFORM IS NOW

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. MAZZOLI. Mr. Speaker, last May—May 5, 1983, to be precise—the Judiciary Committee approved by a 20-to-9 vote the Immigration Reform and Control Act, H.R. 1510.

H.R. 1510 would do several things to bring order from the chaos which today marks U.S. immigration policy.

H.R. 1510 would help our Nation gain control of its borders by enhancing border law enforcement and by sanctioning those employers who knowingly hire undocumented aliens.

The measure would provide a carefully controlled, tightly supervised program to provide temporary foreign labor to do those agricultural jobs which U.S. workers or green card holders are certified not to want.

H.R. 1510 also does essential justice by legalizing the status of those aliens who have entered the United States without proper documents but who have developed substantial equities while living and working in the United States.

Finally, H.R. 1510 would revise and make more fair the asylum statutes which now decide who, having reached U.S. shores pleading a fear of persecution if returned to the homeland, is allowed to remain and who must return.

Despite the fact that this measure has been carefully studied and considered by Congress for 3 years, that it has been approved by the House Judiciary Committee, that it has been passed by the other body twice and is supported by a broad constituency in this land, H.R. 1510 has still not been cleared for floor consideration.

While many alternatives have been recommended, H.R. 1510—like its Senate counterpart, S. 529—remains the best vehicle for solving our numerous immigration problems. H.R. 1510 embodies a solid bipartisan effort to deal fairly, justly, humanely, and effectively with one of the great challenges of our time.

The time to take up H.R. 1510 is now. The time for further study and examination is over. A rule can be devised which will protect all legitimate interests in and alternatives to H.R. 1510 when it reaches the floor. But, Mr. Speaker, we must go forward with immigration reform without delay.

Mr. Speaker, I would like to insert in the RECORD editorials from my hometown papers, the Louisville Courier-Journal and the Louisville Times highlighting the urgent need for Congress to act on immigration reform.

The fact that newspapers, not serving areas severely affected by immigration problems, editorialize on H.R. 1510 demonstrates that there is a strong sentiment in our Nation to do something to reform our immigration laws and to do it now.

[From the Louisville (Ky.) Courier-Journal, Feb. 18, 1984]

NEW IMMIGRATION PROBLEM SHOWS THE NEED FOR REFORM

The urgency of this country's immigration problem is emphasized anew by the Reagan administration's confirmation that it plans to regularize the status of more than

100,000 Cubans who entered the United States during the 1980 boatlift.

Accepting the Cuban immigrants under provisions of a 1966 law would leave 7,200 Haitian immigrants, who came to the U.S. about the same time and in the same manner, out in the cold, their status still uncertain. Representative Peter W. Rodino Jr. promptly announced that, since the situation was patently unfair, he would sponsor legislation to give the Haitians permanent residence status, too.

But a better solution already is in hand: the hard-fought compromise immigration reform bill sponsored by Representative Romano Mazzoli of Louisville and Senator Alan Simpson of Wyoming. That measure, passed handily last May by the Senate but stalled in the House, may get going again. Mr. Mazzoli says he expects it to be considered by the Rules Committee early next month, and possibly to come up for floor debate shortly after that. House Speaker Tip O'Neill evidently has been reassured that President Reagan favors the bill and would not veto it—as some Democrats had feared—in order to curry election-year favor among Hispanic-American voters.

The legislation would give amnesty to many illegals already in this country, though the Senate and House versions of the bill differ on how long a person would have to have been in the U.S. to be eligible. The House version of Simpson-Mazzoli would let anyone here before 1982 remain; the Senate version is less generous.

But the key provision in the legislation is its civil and criminal penalties for employers who knowingly hire illegal aliens. This is a vital but extremely controversial point; Hispanic-American leaders fear that fearful employers will simply refuse to hire workers with accents or Hispanic surnames rather than risk violating the law. There are, however, many antidiscrimination laws already on the books to protect legal Americans from discrimination, and such a fear isn't an adequate reason for killing this vitally needed immigration reform.

California Representative Edward Roybal of the Hispanic Caucus expects to submit a bill without employer sanctions when Congress resumes next week. Instead, he wants stricter enforcement of existing laws. But these are the very laws that have been on the books for years and haven't been enough to curb the problem.

The Federation for American Immigration Reform (FAIR) estimates that 500,000 new illegal immigrants settle in this country every year. The cost of this tide of humanity is incalculable.

THE STOCKMAN WARNING

Some say the cost of a substantial amnesty would be even higher. For instance, Reagan administration budget chief David Stockman said last month that Simpson-Mazzoli would cost the country between $3.6 billion and $11 billion in the first five years in new social services costs. But many immigration experts are sticking by the traditional wisdom that illegal aliens contribute more to the economy—by paying taxes, for instance—than they take from it. And while no one can argue that absorbing millions of undocumented aliens into legitimate status in this country would be easy or cheap, they are, after all, here already. And there is nothing cheap about the present non-policy.

Meantime, the Cuban Marielitos and the Haitian immigrants who landed on this country's southern shores four years ago should be treated similarly, for humane reasons if none other. If one group is given permanent residence status, so should both. For while the administration could make a case that the Haitians were fleeing poverty rather than despotism, and thus were not entitled to bypass quotas and be admitted as refugees, the way they have been incarcerated and pushed around by our government is embarrassment enough to warrant a heavy application of mercy now.

A country without a rational immigration policy invites serious trouble for itself, as the U.S. has been busily proving. The Simpson-Mazzoli legislation wouldn't solve all the problems, and like most compromises it's far from perfect. But it's infinitely better than the chaos we've got now.

[From the Louisville (Ky.) Times, Feb. 17, 1984]

WHAT ABOUT IMMIGRATION BILL?—REAGAN'S INSTINCTS COME INTO FOCUS AS POLICY FAVORS CUBANS

Ronald Reagan's immigration policy is coming into focus and it—surprise, surprise—isn't all that different from his re-election strategy. Unfortunately, that could work against the reform bill co-sponsored by Louisville Rep. Romano Mazzoli.

The Immigration and Naturalization Service, on advice from lawyers in the Reagan Justice Department, is preparing to offer approximately 100,000 Cuban refugees status as legal residents, which is most cases eventually leads to U.S. citizenship. These Cubans are the boat people who arrived in 1980 from the port of Mariel.

However, more than 7,000 Haitians—who also arrived here by boat in 1980—won't be granted that status. Both legal and political reasons lie behind that decision by the Reagan team.

A 1966 federal statute seems to give the Cubans the right to apply for resident alien status, and, 2½ years later, to petition for citizenship. The administration claims that some of the Marielitos, as they are called, planned to sue unless a policy change was approved.

The fact is that both the Cubans and the Haitians would be eligible for residency and, ultimately, citizenship under the sensible provisions of the Mazzoli-Simpson Immigration Reform bill, which the administration claims to support. That bill, overwhelmingly passed by the Senate last year (and in the previous year, too) is tied up in the House.

Because Mazzoli-Simpson has been criticized by both Western businessmen who rely on cheap undocumented workers and by Hispanic groups, the political antennae of both parties are up. To his credit Mr. Reagan has remained at least a verbal supporter.

But his budget mentor, David Stockman, has attacked the measure as too expensive. Now the decision to apply an old law to the Cubans indicates that dedication to reform may be abandoned in favor of quick action.

It cannot be denied that the Cuban citizens who fled Castro's regime have tended to support conservative, Republican policies. If the way is eased for the most recent Cuban refugees to become citizens, they could well become loyal members of the GOP. There is no influential group of voters pushing in the same way for the Haitians.

If this isn't Mr. Reagan's gambit, he can demonstrate that it isn't by redoubling his efforts to secure passage of Mazzoli-Simpson before the political season begins in earnest. With that law in hand, he can begin the process of assimilating now just 100,000 Cubans—but the other people of many nationalities who live and work in this country illegally, too.

TIMES EDITORIAL.●

EMERGENCY FUNDING BILL

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. FORD of Tennessee. Mr. Speaker, last week the House passed House Joint Resolution 492, the emergency funding bill giving food aid to drought stricken African nations whose people are caught in the clutches of severe malnutrition.

The Congress for months has pleaded with the administration to rush food to the 18 countries most severely affected by the unparalleled famine which has raged through sub-Saharan Africa. My colleagues acted quickly in passing the resolution which provides emergency food aid and a trade agreement so that millions of people threatened by this devastating disaster, which is beyond their control, will have a chance for survival.

As each day passes, thousands more fall victim to the famine. The administration has continued to stall the efforts of the Congress to rush immediate relief to these dying people. As the situation in Africa grows more grim, the administration has again delayed the legislation which would allow urgently needed humanitarian relief. By adding a $93 million amendment for military assistance to El Salvador, the African food bill will be delayed in the Senate at least another week.

I am disappointed and angered that the administration would use this back door approach in circumventing the power of the Congress to review this controversial appropriation of additional military aid to El Salvador at the expense of delaying the urgently needed food aid to Africa. To jeopardize the final passage of this legislation which provides food for millions of starving people is heartless. The administration has not only displayed a total disregard for congressional procedure, but has also shown a lack of sensitivity for the suffering and disadvantaged which has become a hallmark of the past 4 years.

The administration obviously feels that providing military assistance to El Salvador is more important than feeding hundreds of thousands starving people, and has chosen to play politics with their lives. It was my hope that my colleagues in the Senate would reject the administration's attempt to sidetrack this important legislation. Today, the Senate Appropriations Committee endorsed the Kasten amendment. Should this new version of the African food aid bill pass the Senate as a whole, I will urge the

Members of the House who sit on the conference committee to allow the House version to prevail.●

TRIBUTE TO THE MOST REVEREND JOHN J. O'CONNOR

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. HARRISON. Mr. Speaker, last week the diocese of Scranton, Pa., said farewell to our bishop. The Most Reverend John J. O'Connor left us, after only 8 months, to assume his new duties as archbishop of New York.

In these last 8 months everyone in northeastern Pennsylvania—those of us to whom he was shepherd as well as many of other faiths—came to respect and revere him. He came to us with many accomplishments—a retired rear admiral, a former chief of Navy chaplains with an earned doctorate in political science and several published books to his credit. But as he leaves us, what remains is far more—the remembrance of a warm, caring, compassionate person.

His primary concern was a deep reverence for human life—from its beginning to its end. He carried his prolife crusade into every parish and every public place. He spoke of the dignity of the person and the inherent worth of each and every human being. He deepened and enrichened my own prolife position and I know he did the same for many others.

And all of it was done with a smile, a gentle sense of humor and a feeling that he meant what he so often said, that he, indeed, "loved each and every one" of us.

I was late for a Catholic youth center dinner one night several weeks ago. I had been held up on the floor voting for passage of the Baby Doe amendment. When I got to Genetti's Hotel, the program was in progress and the bishop was speaking. I tried to walk quietly behind him to my place at the head table. But he stopped me at the microphone to assure the audience that what I was doing on the floor was more important than being on time for dinner.

He is like that—always thinking of someone else even in those days immediately after his appointment when the national media and, indeed, the world press was thinking and writing and talking about him.

And so, Mr. Speaker, I rise today to speak for all northeastern Pennsylvania—to say how much we will miss him, to wish him Godspeed and many fruitful years of service in his great calling to the archdiocese of New York and to say to Archbishop John J. O'Connor in the words of the old Latin tribute: "Ave atque vale," hail and farewell.●

ADVANCE DEFICIENCY PAYMENTS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. OBERSTAR. Mr. Speaker, today I am introducing legislation which would direct the Secretary of Agriculture to make advance deficiency payments to farmers who have been hit by natural disasters for at least 2 consecutive years. Deficiency payments are funds paid to farmers when crop prices fall below the target price. Under my bill, farmers who have qualified for Farmers Home Administration (FmHA) emergency disaster loans for the past 2 years or more would be eligible to receive advance deficiency payments for the 1984 and 1985 crops of wheat, feed grains, cotton, and rice.

Farmers who have been hit successively by natural disasters need this assistance desperately. Despite the fact that they have followed good management practices, they have not been able to realize the potential income of their crops for the past 2 or more years. The FmHA emergency disaster loan program has provided only partial relief for some farmers.

This legislation would provide immediate cash to qualifying farmers and help enable them to make their farms financially solvent once again. Because farmers will soon begin spring planting operations, they need the money now.

The Secretary in February extended the signup period for the wheat and feed grains programs by 3 weeks in order to increase participation. My bill offers a method to increase participation in the program without significantly increasing the cost to the Government; these are payments that farmers who participate in the programs would eventually receive anyway.

This legislation would not require the Secretary to make advance deficiency payments to every farmer who participates in this year's wheat and feed grains programs, but rather only to those farmers who have been the victims of circumstances completely beyond their control. While a farmer may be able to withstand the adverse financial impact of a natural disaster for 1 year with the aid of an emergency disaster loan, it is extremely difficult to do so after 2 or more consecutive years of such disasters.

In Minnesota, three counties in the northwestern section of the State have been designated natural disaster areas for 2 consecutive years or more. The total number of counties nationwide which have been designated as eligible to receive emergency disaster loans during the past 2 years is 328. My bill would permit qualifying farmers in these counties, and individual farmers in adjacent counties who meet the same loan eligibility criteria, to receive deficiency payments.

I urge my colleagues to join me in cosponsoring this legislation, particularly those Members who have farmers in their districts who would be affected by it. It is vital that we act on this legislation as soon as possible.●

THE SAFETY OF THE PACEMAKER

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. MARKEY. Mr. Speaker, I would like to commend JOHN DINGELL and the Oversight and Investigations Subcommittee of the Energy and Commerce Committee for their inquiries directed to the Food and Drug Administration and Medtronic for not proving the safety and efficacy of the defective model of pacemaker lead wires, and for not systematically reporting the defects as found.

The FDA's negligence of regulating these devices is shocking. The grace period allowed for items marketed before the 1976 Medical Device Amendments has long run out, and FDA has not yet moved to call in data for these devices. Products such as the pacemakers are a class III classification representing the highest in risk factors for medical devices. In order to protect the public against health risks, these products should be proven safe and effective immediately or removed from the market before possible injuries result.

The FDA's lack of diligence in requiring reports of faulty devices when they result in death or serious injury is quite an ineffective method of assuring that medical products on the market are and remain safe. Public health should not be exposed to unacceptable risks due to the negligence in upholding the protections the law affords.

The best medicine is preventive medicine. Proving high-risk products safe before they are marketed is one way of preventing illness and injury. Medical costs are rising dramatically above the rate of inflation, and do not need the added burden of the costs incurred due to these defective products. My hope is that the FDA will revise its present operations so we will no longer be confronted with this problem of negligence.●

KEEPING NATURE IN BALANCE

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. DE LUGO. Mr. Speaker, last month one of our most outstanding and respected Virgin Islanders celebrated his 80th birthday. His name is Dr. G. James Fleming, and he was born in Christiansted, St. Croix, in 1904, when what are now the U.S. Virgin Islands flew the Danish flag. Dr. Fleming started out in life as a journalist, and worked on the editorial staffs of major newspapers in Norfolk, Philadelphia, New York, and Baltimore. He is a graduate of Hampton Institute, and holds both a masters of arts and a doctorate in philosophy from the University of Pennsylvania, as well as an honorary doctorate in humane letters from the University of Maryland at Baltimore.

He is currently professor emeritus of political science at Morgan State University, and over the years has been extremely active in community service, including terms on the Baltimore Equal Opportunity Commission, past president of the Maryland chapter of the American Society for Public Administration, and a member of boards of various hospitals, foundations, and the College of the Virgin Islands.

That he has been and continues to be so active is the reason why Dr. Fleming is a very young 80. He has a keen interest in historical preservation and has consistently over the years impressed upon the people of the U.S. Virgin Islands the richness of their heritage. The breadth of his knowledge is extraordinary and his accomplishments have made all of us in the U.S. Virgin Islands very proud of Dr. Fleming, and grateful to him for his guidance and advice.

Given his broad background and given his perspective as one born in the most beautiful islands, he recently wrote an article for the Virgin Islands Daily News that makes a well-reasoned and balanced case for protection of the environment. I would like to share his wisdom with my colleagues today and ask that his column be included in its entirety in the RECORD.

[From the Virgin Islands Daily News, Feb. 4, 1984]

KEEPING NATURE IN BALANCE

(By G. James Fleming)

When it comes to birds and flowers, to trees and parklands, and to other rare gifts of nature, modern mankind has been divided into those who want to preserve the beautiful or unique—because they are beautiful or unique—and those who either carelessly destroy or those who would reduce everything to profit or wasteful pleasure.

Often, those moved by profit, greed or wasteful pleasure have won out. But there have always been the thoughtful few who have labored, year in and year out, for preservation, conservation and perpetuation of God's handiworks.

Sometimes, ignorance has been the root of the evils. In many sub-cultures, children have become adults in families where everyone believed that "Nature" would re-stock the seas, would continue creating the birds and larger animals, and would replant the majestic trees and forests—and all of that in a hurry! ("God will provide," goes a frequent saying.)

Men, especially, believed they could reap without sowing and that their corporations and developments—without a price higher than dollars and cents—could wipe out millions of years of plant and animal life and other natural resources.

That is why there are "endangered species" all over the world; that is why, even now, in a generation or two, there may be no elephants and no whales; none of certain types of cranes and other birds; no tuna and no shellfish in the seas.

* * * * *

Wherever there are beautiful parks, large or small; wherever waterfronts have been redeemed or beaches have been renewed; wherever animals are being perpetuated in their native habitat, in those places will be found, or once lived, a handful of very nature-loving people.

In New York City they saved what is today the famed Central Park; in Philadelphia, Fairmont Park; in Baltimore, Druid Hill Park. Often, they raised the needed funds; often, they spent their own money, to create or expand park systems, as in the case of Madison, Wis., a city often referred to as "one of the most civilized of cities."

Many of these lovers of the beautiful and unique, who dedicated themselves to continuing God's work of creation, were women—mainly unsung. But there were also men, some internationally known, including President Theodore Roosevelt, before, during and after his presidency; and Gov. Gifford Pinchot of Pennsylvania, before, during and after his years as governor.

These, and those who followed them, could see beyond their own generation; they recognized the life-sustaining relationship between human beings and the non-human species.

* * * * *

In most modern times, those who would preserve natural resources find themselves waging war against bulldozers and poachers; against real estate operatives who, seemingly, hate to see an inch of unoccupied countryside; against politicians who often ally themselves with those who over-exploit natural resources.

This is no self-righteous plea for the status quo, no argument against modernization and progress.

Rather, if plea it is, it is a plea for balance, for thought for the future, for understanding that some gifts of Nature, destroyed today, cannot be resurrected over many generations, if ever; for understanding, also, the established relationship among the several natural resources.

Thank heavens that nearly everywhere, on the mainland United States, in the Virgin Islands, in Africa, there is a continuous discipleship in the footsteps of the Theodore Roosevelts and the Gifford Pinchots, men and women and their organizations who, in our time, are constantly working in the interests of parks, flood and soil erosion control, saving the waterways and beaches, replanting trees and wild flowers, and protecting little birds as well as the beasts of the fields.●

DAM SAFETY

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. CHENEY. Mr. Speaker, House floor action is scheduled for Thursday, March 15, on H.R. 1652, a bill to amend the Reclamation Safety of Dams Act of 1978. This bill authorizes the expenditure of $650 million to undertake repairs and modifications to 52 dams in 14 States. The Bureau of Reclamation has identified these structures as needing structural repairs to enable the dams to withstand projected maximum credible earthquakes and inflow design floods safely.

President Reagan strongly supports the dam safety program and Secretary Clark has stated the President's new cost-sharing approach to making repairs to Federal dams. The President has stated that correction of design deficiencies at Bureau of Reclamation dams is a Federal responsibility, but that the costs of additional economic benefits, such as increased storage, water supply, or flood control should be costshared by project beneficiaries.

I support the administration's policy on dam safety. I have worked and will continue to work with the administration as both Houses of Congress develop legislation to implement that policy. I am pleased that it has been possible to reach agreement, now embodied in a committee amendment to H.R. 1652, on such legislation. OMB Director David Stockman has stated in a letter to me that the administration would support H.R. 1652 without reservation if the committee cost-sharing amendment is adopted. Director Stockman's letter follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., March 13, 1984.

Hon. RICHARD B. CHENEY,
Ranking Minority Member, Subcommittee on Water and Power Resources, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR DICK: I wanted to let you know how much we appreciated your efforts to work with the Administration to devise an acceptable compromise on the dam safety cost sharing issue.

The Committee amendment to H.R. 1652, which would implement cost-sharing for dam safety work that conveys economic benefit, is fully consistent with the policy of this Administration. With the adoption of this amendment, the Administration would be able to support the bill without reservation.

I welcome the opportunity to clarify the Administration's position on this issue.

With all best wishes,

Sincerely,

DAVID A. STOCKMAN,
Director.●

INTERNATIONAL DAY OF CONCERN FOR SOVIET JEWS

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. FORD of Tennessee. Mr. Speaker, today, March 15, has been designated as "International Day of Concern for Soviet Jews." March 15 also marks the eighth anniversary of the arrest of Anatoly Shcharansky, who is presently serving a 13-year sentence in a Soviet prison. However, as important as these commemorative days are, it is essential that we in the Congress remember that the plight of the Soviet Jew is more than a 1-day event. They must suffer throught a never-ending battle of daily persecution by a Government that neither desires these people to become a contributing part of everyday society, nor to be able to depart from a land where they are surely not wanted.

It is safe to say that the escape valve for any religious minority wanting to leave the Soviet Union has been essentially shut off. Typical of such emigration figures is the Soviet Jew, whose emigration numbers have dropped a startling 98 percent since 1979. Beginning that year, OVIR, the Soviet emigration agency, began refusing exist visas on the grounds of insufficient family ties. They maintained that relatives in Israel who sent vyzovs, affidavits requesting family reunification, had to be first-degree relatives in order for Soviet family members to qualify for exit visas. This leaves many without even the opportunity to apply for a exit visa.

It is this catch 22 situation which is so tragic. Once any individual has requested and made known that he or she desires to leave the country, they are branded as unreliable by the Government and open themselves up to a wide range of discriminatory sanctions. Sometimes this might entail losing their jobs and being labeled parasitic. Othertimes, it might mean a prison sentence or indoctrination into the military. It is with a sense of outrage that I am planning to write Secretary Chernenko and others within in the Soviet leadership regarding the problems faced by Soviet Jews in their country. Specifically, I am petitioning the Kremlin to ease the emigration procedure for Mr. Mikhail Tsivin, and others like him so that religious minorities of all persuasions can either practice their faiths freely, or part with the Soviet nation to go to an area where religious liberty does exist. The letter reads as follows:

DEAR SECRETARY CHERNENKO: Officials in the Soviet Union have justified the drastic reductions in emigration of Soviet Jews over the past 5 years by claiming that all such people who had wished to leave the U.S.S.R. had already done so. These officials have maintained that since the repatriation and reunification of individuals and families had already been completed, there was no desire for any Soviet Jew to leave the country. We in the United States House of Representatives believe that is simply not the case. I write you today on behalf of Mikhail Tsivin, a twenty one year old student who is one of many men and women who cannot leave the Soviet Union because of their religious denomination.

On April 16th of 1982, Mikhail Tsivin, a student in Leningrad, was arrested for chaining himself to a fence outside of St. Basils Cathedral in Moscows Red Square and holding up a sign saying "let me go to Israel." This was his second such protest, the first one held on March 28th for which he was given a ten day sentence.

Within weeks of his second arrest, Tsivin was drafted into the Soviet army. However, by the end of 1982, it was reported that Tsivin fell off a scaffold during his army service, suffering a concussion and fractures. Since that time, he has been exempt from military service.

In the beginning of 1983, Tsivin was told not to leave Leningrad and not to take part in any Jewish activities. Mr. Secretary, I cannot understand how your country can be so unyielding in its attempts to keep an unwanted minority within your borders. You refuse exit visas for Tsivin and thousands like him, yet you also deny them religious liberties and make life otherwise miserable while in the U.S.S.R.

Mr. Secretary, you have the opportunity to initiate a new beginning in relations between our two countries. Relax the emigration restrictions that were such a major focal point of the Andropov regime. I appeal to you on humanitarian grounds to let Mr. Tsivin and others like him emigrate to Isael, where he can practice his religious beliefs freely. Ease the emigration restrictions not only for Jews, but for religious minorities of all persuasions.

Let me thank you in advance for your help in this matter. I look forward to a response from your government.●

GIFT AND ESTATE TAX DEDUCTION FOR SOCIAL WELFARE ORGANIZATIONS

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. SHANNON. Mr. Speaker, today I am introducing a bill that would improve the tax status of a particular type of tax-exempt organization: the social welfare organization.

Social welfare organizations receive their tax-exempt status under section 501(c)(4) of the Internal Revenue Code. Such organizations must be organized and operated on a nonprofit basis, and must be operated exclusively for the promotion of social welfare. They are very similar in nature to charitable organizations, whose tax exemption comes under section 501(c)(3) of the code, with one major difference: while social welfare organizations may work for their goals by attempting to influence legislation, 501(c)(3) charitable organizations are expressly prohibited from doing this. Thus, the same social welfare organization may be a 501(c)(3) organization or a 501(c)(4) organization depending solely on the means it chooses to achieve its goals.

Although both these organizations enjoy tax-exempt status, a 501(c)(3) organization has one big advantage over a 501(c)(4): contributions to the former are deductible from both income tax and the estate and gift taxes, while contributions to the latter are not. This means that someone who wants to donate a large amount of money to establish or assist a social welfare organization that can lobby for legislation as part of its activities not only will be deprived of a deduction from income tax, a benefit he or she may be willing to forgo, but will also be hit with a sizable gift tax, which could prove to be a significant deterrent.

The legislation I am introducing today would allow a deduction from the estate and gift taxes for donations to 501(c)(4) social welfare organizations. There are several reasons why I think this is an appropriate measure. First, the current inclusion of such deductions in estate and gift taxes does little to fulfill the purpose for which such taxes were enacted, that is, the taxation of windfalls, insuring that property is taxed at least once a generation, and taxation to reduce the concentration of wealth. None of these purposes would be diluted by allowing a deduction for donations to social welfare organizations; in fact such donations have the beneficial effect of transferring wealth from private ownership to organizations that are serving the public.

Furthermore, this measure would be consistent with Congress decision in 1975 to exempt political contributions from the gift tax. At that time, then Ways and Means Committee Al Ullman observed that such contributions "in reality are not a gift but rather constitute contributions to further the general political or good government objectives of the donor." The same is true of donations to a social welfare organization that is working for legislation to obtain certain political or governmental objectives, and there is little reason for treating the two types of contributions differently.

Exempting this type of donation would also remove a burden that currently exists on the exercise of an individual's right to express himself or herself politically through support of an organization that is working for the policies he or she believes in, and I believe that we should do whatever we can to remove such burdens.

Finally this provision should cost us very little in revenue. I think that those few individuals who are dedicat-

ed enough to a cause to be willing to donate a large sum of money to it and forgo a charitable deduction should not have a tax penalty imposed on them. There are a lot of very worthy social welfare organizations operating in this city and elsewhere around the country, working for both liberal and conservative policies and everything else in between, and I hope that we can make it possible for them to receive this type of donation.●

NATIONWIDE MAILING AT TAXPAYERS EXPENSE

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. McEWEN. Mr. Speaker, I am submitting for the RECORD a letter from Dr. Walter G. Knauff, vice president of Southern State Community College in Hillsboro, Ohio, about a mailing he received from Representative TED WEISS. This mailing was addressed to the chairman of the political science department at that college. This material was mailed on the frank at taxpayer's expense. Apparently, Representative WEISS' mailing went unsolicited to educational institutions nationwide.

The material follows:

SOUTHERN STATE COMMUNITY COLLEGE,
Hillsboro, Ohio, January 24, 1984.

Congressman BOB MCEWEN,
U.S. House of Representatives,
Washington, D.C.

CONGRESSMAN MCEWEN: I am enclosing some material that was recently received by the College and should be called to your attention.

I should like to protest this material and action on the part of Representative Weiss on at least two counts.

First, nowhere on any of the material do I find the words "Not Printed at Taxpayers' Expense." I can only assume, then, that this material was, in fact, printed at taxpayers' expense. It would seem to me that this is a flagrant use of the franking privilege and should not go unnoticed.

Second, it appears that the Representative from New York is attempting to use the schools and colleges of the United States to "teach" not a process, but rather a specific case in an attempt to discredit the President of the United States. Could it be that most of the students that would receive such instruction are probable voters and 1984 is an election year? I believe that the intent of this material is to discredit President Reagan and at taxpayers' expense.

Thank you for your kind attention to this matter. If I can be of assistance to you here in southern Ohio, please don't hesitate to call.

Sincerely,

WALTER G. KNAUFF,
Vice President.

Enclosure.

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 30, 1983.

DEAR PROFESSOR: As you may know, I and seven other Members of Congress recently introduced a resolution in the House to impeach President Ronald Reagan on the grounds that he violated the United States Constitution when he ordered the invasion of Grenada. This resolution was submitted only after serious research and deliberation. Impeachment is the most appropriate option provided Congress by the Constitution to rein in the actions of a President operating outside of constitutional bounds.

I realize that this action does not fit the current mood of most Americans. But the Constitution of the United States was not meant to apply only when its provisions enjoy majority support. One of the most dismaying events following the invasion of Grenada was the realization of how many Americans do not understand the separation of powers built into the Constitution. It is my hope that one of the constructive outcomes of the impeachment resolution is that it engenders a debate of the issues and strengthens the public's understanding of the constitutional principles upon which our nation is founded.

To facilitate and advance this debate, I am sending you some information about the impeachment resolution and the specific constitutional provisions President Reagan is charged with violating when he ordered the invasion of Grenada. I hope you will share this material with your colleagues teaching courses on American politics and history. I believe the Grenada case and impeachment resolution would provide a useful framework for the discussion of the debate over executive versus congressional authority.

The invasion of Grenada has set a historic precedent in the relationship between congressional and executive constitutional authority. This event and the constitutional issues involved should receive careful consideration by the American public and students of political science and history. I hope you will initiate discussion of these important issues. I would be pleased to hear from you further regarding this matter.

Sincerely.

TED WEISS,
Member of Congress.

REPRESENTATIVE WEISS, SEVEN OTHER MEMBERS, CALL FOR PRESIDENT'S IMPEACHMENT IN WAKE OF GRENADA INVASION

WASHINGTON, D.C.—Congressman Ted Weiss and seven other Members of Congress are sponsoring a resolution in the House to impeach President Ronald Reagan on the grounds he violated the U.S. Constitution when he ordered the invasion of Grenada.

Joining Rep. Weiss in calling for the President's impeachment are Representatives John Conyers, Jr., Julian C. Dixon, Mervyn M. Dymally, Henry B. Gonzalez, George W. Crockett, Gus Savage, and Parren J. Mitchell.

"The President's invasion of Grenada is illegal and unconstitutional, and, I am convinced, is an impeachable offense," Rep. Weiss said. "This resolution is being introduced only after serious research and deliberation, and after Congress has exhausted other remedies. It is now left to Congress to resort to the one option provided for in the Constitution which can truly rein in the actions of a President operating outside of constitutional bounds: Impeachment."

The resolution, introduced on November 10, 1983, lists three constitutional violations as cause for impeachment. It states that President Ronald Reagan breached:

Article I, section 8 of the Constitution, which specifically grants Congress the power to declare war, when he instructed U.S. forces to invade the small Caribbean island nation on October 25 without the advance consent of Congress.

Article VI of the Constitution when he ignored U.S. treaty obligations, as outlined in the charters of the United Nations and the Organization of American States, prohibiting the use of force against a sovereign state.

First amendment rights of the American public and press when he prevented members of the news media from covering the invasion.

"Nothing less than the constitutional framework of our nation has been placed in jeopardy by the invasion of Grenada. If the Constitution can be violated with impunity, the very survival of our democracy comes under threat," Rep. Weiss said.

Rep. Weiss said he hopes the impeachment resolution will prompt broad public debate on the constitutional questions raised by the President's actions. He intends to encourage educational institutions across the country, including elementary and secondary schools, universities and law schools, to participate in such a debate.

The complete texts of the impeachment resolution and Rep. Weiss' statement accompanying the resolution are included in this report.

H. RES. 370

Resolution impeaching Ronald Reagan, President of the United States, of the high crime or misdemeanor of ordering the invasion of Grenada in violation of the Constitution of the United States, and other high crimes and misdemeanors ancillary thereto

Resolved, That Ronald Reagan, President of the United States, is impeached of the high crime or misdemeanor of ordering the invasion on October 25, 1983, of Grenada, a foreign state at peace with the United States, in violation of that portion of section 8 of article I of the Constitution of the United States which confers war powers on the Congress, and in violation of treaty obligations of the United States, including obligations under the Charter of the United Nations and the Charter of the Organization of American States, and the said Ronald Reagan, President of the United States, is further impeached of the high crime or misdemeanor of preventing news coverage of that invasion, thereby impairing the first amendment rights of those seeking to provide news coverage and of the American public in general.●

SUPPORT RAILROAD RETIREES

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. SHUSTER. Mr. Speaker, today I have introduced legislation that will improve on the current railroad retirement law passed by Congress last year. Incorporated in the Railroad Retirement Solvency Act of 1983 are new taxes that will tax the benefits of most rail retirees. While I believe that part of the act should be changed, until it is, a modest improvement clearly seems in order.

Railroad retirees' tier II benefits will become taxable income this year if

their tier II benefits exceed their employee contributions to the retirement fund. These taxes will affect a great number of retirees. Many of these retirees have never had to fill out an estimated tax form, or pay quarterly taxes. The Railroad Retirement Board will not be able to supply these retirees with the information needed to fill out these forms until after the first installment of taxes is due. As a result, many retirees may be penalized by the Internal Revenue Service for an error they could not help but make. This I believe would be a great injustice.

My bill would alleviate this situation. This bill will grant any person who receives a benefit from the Railroad Retirement Board an exemption from paying a penalty for late filing or not paying quarterly taxes. This pertains to any railroad benefit that is received in the year 1984. There is no need to penalize these retirees for an error they cannot avoid. I urge support of this legislation. Thank you.●

"RIGHT TO KNOW" OR "RIGHT TO HIDE"?

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. MILLER of California. Mr. Speaker, the threat of hazardous substances in the workplace has been acknowledged by the public and by the press, but not by all levels of the Government.

That is why, on March 12, Representative BRUCE VENTO and I introduced a House resolution affirming the basic right of all Americans to know about dangerous substances which are present in their places of work.

Along with the 40 cosponsors of our measure, we are deeply concerned about the serious risks of occupational exposure to toxic chemicals. We are deeply concerned about the lax attitude at the Occupational Safety and Health Administration's top level, and about OSHA's inadequate right-to-know standard.

More properly, the OSHA approach should be labeled as the "right-to-hide" standard.

Our resolution calls upon OSHA to revise that standard to do what it should do: provide meaningful protection to this country's 100 million workers who may be at risk.

In hearings before my House Labor Standards Subcommittee, we have heard graphic descriptions of the human suffering and the economic hardship of the victims of occupational disease and their families. EDB (ethylene dibromide), EtO (ethylene oxide), vinyl chloride, benzene, formaldehyde: all these chemicals, and many more, have taken a high toll on the workers and their families. The taxpayer pays a price, too—$3 billion a year—in hospital costs and benefits to the injured parties, which are paid by tax-supported programs like social security, medicare, and veterans' assistance, instead of by responsible employers.

Most of us are now aware of the tragedy of tens of thousands of asbestos exposure victims. My own San Francisco Bay area leads the Nation in asbestos-related tort litigation. The evidence of manufacturers concealing knowledge for decades about asbestos hazards is a matter of record in dozens of courtrooms around this country.

But what of the other substances that can lead to cancer, sterility, genetic damage, nerve damage, and death? Are we as a Nation willing to accept this price as simply "part of doing business"? Are we willing to allow the very agency, charged with protecting the health and safety of working men and women, to lead the retreat on these vital rights?

The development of the current OSHA "right-to-know" standard is a textbook example of Government regulators being dictated to by the very industries they are supposedly regulating.

The Reagan administration's OSHA first responded to industry pressures by withdrawing altogether the previous administration's right-to-know proposal.

But increased public awareness led many State and local governments to fill the void by enacting their own laws. The perception of a Federal Government abdicating its own responsibilities was further buttressed by the scandals at EPA and by OSHA's continuing reticence to take any actions.

Those industries which had fought the Federal right-to-know requirements watched with a wary eye as a number of States passed tough laws. Then the industries reversed themselves, pressing for a Federal standard, one which would be more to their liking and which would overrule the State standards.

OSHA, of course, responded to the pressure. Three years after rejecting a Federal standard, it published its latest right-to-know plan, a plan riddled with loopholes, illogic, and laxity. It would cover only those employees in the manufacturing sector. The result: 75 percent of all workers would be excluded from protection.

It would require a hazard warning, but not a description of the actual chemcial on the label. The result: The remaining 25 percent of the workers and their doctors will be ill-equipped to respond effectively to emergency situations and to the threat of occupational diseases.

There are other, more technical problems with the OSHA plan. OSHA officials, for example, have indicated that their weak standard would preempt all existing State and local right-to-know laws. Further, OSHA's standard includes a trade secret provision which virtually invites industry abuse by protecting patents over people.

It is worth noting, Mr. Speaker, that several years ago I introduced legislation to establish criminal penalties for corporate officials who knowingly conceal hazards. Hearings on that legislation documented that deception, and negligence by some industries had resulted in the injury of thousands of unsuspecting workers and consumers.

The botton line is clear: Workers must not be denied the very basic right to know, and to protect themselves from dangers in their daily work areas.

This is a problem that cannot be ignored. I urge my colleagues to support our resolution and to guarantee all working Americans the basic right of knowing when they are at risk, what that risk is, and how the risk can be reduced or eliminated altogether.●

INTRODUCTION OF HOUSE CONCURRENT RESOLUTION CONCERNING THE NEW IRELAND FORUM

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. DONNELLY. Mr. Speaker, this week we celebrate Irish culture and history in honor of Saint Patrick, the patron saint of the Irish. However, we do well to remember that there is another Ireland that has little to celebrate. I speak of the counties of Northern Ireland, where divisions between the Roman Catholic and Protestant communities grow progressively deeper, and young people see little reason to participate in a society that is disintegrating under the strain of festering violence, injustice, economic ruin, and political intransigence.

There is reason for hope, however, in the initiative of the New Ireland forum. The forum represents a bold move on the part of the democratic political parties of the Republic and the North who condemn violence, and urge instead reconciliation and dialog among the factions for their mutual benefit and salvation.

The naysayers will proclaim that this initiative can never succeed, that its objective is too optimistic, that its efforts are in vain. But what do the embattled people of Northern Ireland have if there is no hope of solution to the tragedies that beset them? Only the promise of more bloodshed, more hatred, and more ruin. This is not a time for timidity, it is a time for bold initiative, because if we do not work

for a timely solution to the tragedy of Northern Ireland, and do not support those who strive for a new attempt to bring about peace and justice, the young people who live among the squalor of the ghettos of the northern counties will look upon the gun and the bomb as the only option they have.

We need not submit to pessimism at this critical time. The participants of the New Ireland Forum deserve our strong support and our willingness to keep open minds about their forthcoming proposals.

I call on the British Government to look carefully at the proposals from the forum, and to resist the temptation to dismiss the forum's initiative out of hand.

Today, I am introducing a sense of the Congress resolution commending the participating parties of the forum, and urging all to approach the forthcoming recommendations with open minds. This initiative deserves careful scrutiny and consideration. The tragedy of Northern Ireland will not be solved overnight, but a start must be made. I strongly suggest that the New Ireland Forum deserves our continuing support and attention.●

DELAY IN AID TO AFRICA IS REPREHENSIBLE

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. LELAND. Mr. Speaker, after a number of discussions on the floor of the House of Representatives regarding the emergency aid direly needed for the African continent, proponents of this bipartisan aid package were dealt a serious blow today upon learning the Salvador aid package and funding to Nicaraguan rebels were attached as amendments to House Joint Resolution 492.

This action is devisive at best. First, Mr. Speaker, this action makes a mockery of the concept of humanitarian assistance—of which the United States has traditionally contributed 50 percent. Second, by attaching funding for military assistance to Salvador and Nicaraguan rebels, we are guaranteed an additional timelag in providing the needy people of Africa the miracle of food.

The $150 million supplemental would have provided about 375,000 tons of emergency food. After passing the House on March 6 by an overwhelming vote of 374 to 29, we expected the Senate to act expeditiously on this legislation. What we did not anticipate, was a move to exploit the human suffering of the African people—just when they needed our help.

Once again, Mr. Speaker, we are experiencing the phenomenon of humanitarian aid held hostage to militaristic intentions, which I find morally reprehensible.●

BOUCHER AND OLIN INTRODUCE VIRGINIA WILDERNESS BILL

HON. FREDERICK C. BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. BOUCHER. Mr. Speaker, today I am introducing, with Congressman JIM OLIN, the Virginia Wilderness Act of 1984. This legislation, long sought by many Virginia citizens, will designate approximately 56,000 acres in Virginia as a part of the National Wilderness System.

Passage of this legislation will insure the permanent protection of carefully selected areas in the Jefferson and George Washington National Forests, namely: Mountain Lake, Kimberling Creek, Peters Mountain, Lewis Fork, Little Dry Run, Beartown, Little Wilson Creek, Thunder Ridge, Ramseys Draft, St. Marys River, and an addition to the existing James River Face Wilderness Area.

These areas, comprising less than 4 percent of the acreage of the National Forests in Virginia, have been found to possess unique beauty and important natural resources, and in a State which values its historical and natural landmarks, these areas are recognized as treasures of our heritage. Thousands of citizens have written to me with the hope of preserving these areas for their own enjoyment and for that of their children.

This legislation will not only insure the protection of the forest resources but also respect the public's access to these havens of solitude and challenge. Hunting and fishing will be encouraged and enhanced by the conservation of wildlife habitat and preservation of water quality. The forest users who know these areas well are concerned with the stresses of road-building and development on forest life, and they wish to assure that these lands will continue to support the public's use and enjoyment. These forest users recognize the value of wilderness legislation, and this bill is supported by organizations such as the Virginia Wildlife Federation, the Tazewell County Sportsmen's Club, the Virginia Wilderness Committee, the Craig County Wildlife Association, and Trout Unlimited.

Mr. Speaker, I am also pleased to report that wilderness designations have been endorsed by each of the local governing bodies of the affected counties within my district. My office has worked with the Forest Service and with citizens interested in wilderness legislation to assure that each local board of supervisors had an opportunity to learn about the effects of wilderness designations. With the understanding that wilderness areas will remain open to hunting and fishing and that wilderness legislation will not result in any condemnation of land by the Federal Government, each of these boards has gone on record favoring the designations.

In discussions of Virginia wilderness, Mr. OLIN and I have found some concerns with the possible effect of wilderness on Clean Air Act requirements. Our bill leaves in place the current class II air standards for each of the proposed wilderness areas, and we will oppose any change of these standards to a more restrictive category. I am of the view that the existing class II standards offer ample protection to both the wilderness resources and the business development opportunities of neighboring communities.

For the four areas which have been a source of concern to a major paper mill in Alleghany County, Va., we have chosen not to make wilderness declarations at this time. On the other hand, because of the strong citizen interest in the preservation of these areas and the value of their wilderness resources, we are not releasing to multiple use Barbours Creek, Shawvers Run, Rich Hole, or Rough Mountain. To balance all interests, we have placed these areas in further study with the stipulation that they be managed as wilderness until further act of the Congress determines their final status. In the meantime, we will solicit the assistance of the EPA in assessing the potential for any conflicts between wilderness status for these areas and future economic growth in neighboring communities.

This legislation is introduced today after many years of study by the Forest Service and after a year's effort on the part of my office to address the questions regarding the effects of wilderness designations. Within the carefully drawn boundaries of the proposed Virginia wilderness areas are stands of virgin hemlock and spruce, high mountain bogs, excellent bear habitat, native trout streams, rare plants, and over 70 species of birds. I am please to have the opportunity to help protect these resources, and I hope that my colleagues will join me in supporting the Virginia Wilderness Act of 1984.●

TRIBUTE TO MARVIN BRODY

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. FAZIO. Mr. Speaker, I take great pleasure today in paying tribute to a great Californian, Marvin Brody. All of us who have come to know him over the years have known a man who has dedicated his life to the service of others.

Marvin Brody was born in Denver, Colo., and after living in Cleveland, Ohio for 12 years moved with his family to Los Angeles, Calif., when he was 13 years of age.

Mr. Brody was a student at UCLA prior to enlisting in the Navy early in 1942. He served for nearly 5 years in the Pacific during World War II. After returning stateside, Mr. Brody married and started raising a family. He began working at the Ford Motor Co. in Los Angeles and was instrumental in organizing Pico Rivera Local 923 of the UAW.

Over the years, Mr. Brody continued his involvement with the labor movement, serving in numerous positions with his local. In 1966, he was named to the international staff of the UAW by Walter Reuther. In this capacity Mr. Brody has been an organizer and political activist. He coordinated political activities for the UAW in region 6, an area covering nine Western States, and was named assistant regional director by Director Bruce Lee. He has represented the UAW in Sacramento and been a delegate to numerous Democratic national conventions.

On the occasion of Marvin Brody's retirement from his official duties with the UAW, I join with his family, friends and fellow workers in congratulating him and thanking him for his lasting contribution to the American labor movement.●

NEED FOR COMMEMORATIVE STAMP TO HONOR FLIERS DARIUS AND GIRENAS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. LIPINSKI. Mr. Speaker, on March 6, I introduced House Resolution 457, which urges the U.S. Postal Service to issue a 1985 commemorative postage stamp honoring the 50th anniversary of the transatlantic flight of Capt. Stephen Darius and Lt. Stanley Girenas.

On July 15, 1933 Captain Darius and Lieutenant Girenas, two brave Lithuanian-American flyers, attempted to fly their single-engine plane, the "Lithuanica," from Floyd Bennett Field, N.Y., to Kaunas, Lithuania, their native home. This daring nonstop flight was to have gone for a distance of 4,900 miles. On July 17, 1933, the lives of Darius and Girenas were abruptly ended when their plane crashed in Soldan, Germany, 400 miles short of their destination. The Government of Lithuania held a state funeral for Darius and Girenas which was attended by over 40,000 people.

In addition to promoting the friendly relations between America and Lithuania, this flight by Darius and Girenas was to place the name of Lithuania alongside the names of other nations which had been involved in transoceanic flights.

Since this tragic and historic occurrence, every Lithuanian-American community has gone to tremendous efforts to honor these two heroes for their courage and bravery in promoting the greater glory of their homeland, Lithuania. Therefore, Mr. Speaker, I invite all of my colleagues to cosponsor this resolution, which urges the U.S. Postal Service to issue a 1985 commemorative postage stamp honoring the 50th anniversary of the transatlantic flight of Captain Darius and Lieutenant Girenas.●

LEGISLATION TO REMOVE PUBLIC USE RESTRICTIONS ON CERTAIN PROPERTIES DEEDED TO CLEMSON UNIVERSITY, S.C.

HON. BUTLER DERRICK

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. DERRICK. Mr. Speaker, I have introduced legislation today which will remove certain "public use" restrictions imposed under provisions of the Bankhead-Jones Farm Tenant Act on properties deeded to Clemson University and to remove a reversionary interest held by the U.S. Government in connection with these properties.

The purpose of this legislation is to make some 70 acres of Clemson University's land-grant property available for a unique and farsighted effort initiated by the South Carolina Legislature to develop research centers at South Carolina institutions of higher education, and ultimately use these research centers as a means of attracting new industry to our State.

Mr. Speaker, in 1983, the South Carolina Legislature created the South Carolina Research Authority (SCRA) to develop and coordinate research and development activities in the State. More specifically, this State agency was created to facilitate the utilization of South Carolina's educational facilities and resources for joint academic-industrial research and development projects. As a first step in this effort, the South Carolina Research Authority is seeking to develop "research parks" adjacent to South Carolina's major higher education institutions.

At the request of the president of Clemson University, Dr. Bill Atchley, I am therefore introducing this legislation which will free some 770 acres of Clemson's land-grant properties so that they may be deeded to the SCRA. The SCRA will in turn utilize this parcel of land to attract businesses with committed research and development programs, and which are willing and able to integrate their R&D programs with the university.

Ultimately, Mr. Speaker, these efforts will attract research-intense industries to our State, as well as more basic industries which will benefit from these research activities. I believe it is extremely significant to note South Carolina's commitment to this project: The State has already donated 640 acres of State-owned land only minutes away from the University of South Carolina in Columbia, S.C., as well as 11 acres in Charleston immediately adjacent to the Medical University of South Carolina. The State has appropriated $500,000 for the program. Private sector contributions to the program exceed $1 million, and the goal of the authority is to triple that amount in 2 years. Ultimately, it is conceived that the program will become self-supporting within 6 years as a result of income derived from the sale and/or lease of properties operated by the SCRA.

Mr. Speaker, during this period of unacceptably high unemployment and the very real prospect of Federal budget deficits in the range of $200 billion, I believe the "self help" proposal initiated by South Carolina should be actively supported by the Federal Government. The request that is being made is minimal, removal of public use restrictions and reversionary interests on some 770 acres. In return, South Carolina can establish a self-supporting research venture that will attract industry and jobs to our State.

It is not necessary to recount here the devastation that has been visited upon the textile industry over the last several years. In my district, we have witnessed too many waves of layoffs. Quite simply, many of these jobs will not return regardless of improvements in the industry as a whole. I believe the efforts of the South Carolina Legislature, as embodied in the creation of the South Carolina Research Authority, is both farsighted and fiscally sound. It represents the kind of joint private sector-government initiatives that we must explore to address the economic revitalization of our Nation. The request being made of the Federal Government in this effort is minimal, and the potential benefits are tremen-

dously significant. I am in hopes that the Congress will expeditiously consider and approve this measure.●

TRIBUTE TO THOMAS P. REYNDERS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Ms. KAPTUR. Mr. Speaker, recently, the dean of political writers in Toledo, Ohio retired from the Toledo Blade. It is with great pride that I invite my colleagues in the U.S. House of Representatives to join me in honoring Mr. Thomas P. Reynders.

Mr. Reynders began his distinguished career with the Toledo Blade 36 years ago. His first campaign assignment was with the 1948 Presidential campaign of Harry Truman. He has always been involved in the national political picture in some manner. Mr. Reynders has not missed a single national political party convention during his tenure. In addition, since 1953 he has continuously covered the State and local political scene. He has done so with great style and the highest level of professionalism.

Tom Reynders has an in-depth knowledge that spanned many generations of political activity. That insight gave him special value not only to the Blade but to the entire community. His energetic, enthusiastic, hardworking approach to political coverage has served the public interest well. I know that my colleagues join me in saluting Thomas P. Reynders. We know the great value of quality political journalism—the type for which Tom Reynders will always be remembered.●

WOMEN'S HISTORY WEEK—OUR EYES MUST BE ON THE PRESENT

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. ADDABBO. Mr. Speaker, Women's History Week took place last week and gave us all a chance to reflect and reaffirm the significant contributions women have made to our country. It was also a chance to evaluate the current state of commitment to women's rights in our country.

Over the past two decades, the women's rights movement has transformed the role and status of women in the workplace, society and at home. While the past 20 years have changed the face of women's history, the next 20 are of particular concern. We must continue to advance the gains we have made and protect inalienable rights that we fought for in spite of the economic pressures facing us.

The 98th Congress is confronted by an administration that is unsympathetic to women's issues. Massive increases in military spending are having a disastrous effect upon our domestic programs, and those who bear the brunt are women. Because of their social and economic status, women are suffering disproportionately from the spending policies of this administration.

We know that women constitute 58 percent of all persons living below the poverty level, 72 percent of all poor elderly, and 65 percent of all poor adults. Additional facts show that approximately 70 percent of all households headed by women live in poverty; 1 million young women under 22 are heads of families and the vast majority of these women work at low level jobs with extremely poor pay. Unless some drastic changes take place, one analysis estimates women and children will constitute "virtually all of the Nation's poor by the year 2000."

Women who are working earn only half of what men earn, and unemployment figures, particularly for young minority women and teenage girls, are frightening.

Yet despite these facts the administration has 23 programs targeted for cuts or elimination that will have a serious impact upon the living conditions of women and children. These programs include income security, food and nutrition, housing and energy assistance, block grant funds for State social services, health, education, family planning, employment and training, legal services, and transportation.

Present spending policies not only change the allocation of our limited resources, they affect the amounts available for domestic spending.

We must allocate our resources wisely to affirmative action programs, especially those programs advancing the opportunities for women to go into small business. As a member of the Committee on Small Business I have been supporting programs which will give women owned businesses are greater share of Government purchases, especially when military purchased are involved.

Along with allocating resources, we must develop a national focus on equal rights, insurance equity concerns, and Federal contract compliance enforcement. Only when these concerns become a national priority, and not a budget consideration which is ranked low on a long list of issues; only then can we say that we are insuring the basic rights due to all Americans. I will fight any effort to reduce the equal rights of women and you must too. Equality must not take a back seat to the arms race.●

A TRIBUTE TO NEW YORK STATE REGENT LOUISE P. MATTEONI

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. SCHEUER. Mr. Speaker, I rise today in recognition of Hon. Louise P. Matteoni who has just been unanimously re-elected to a second 7-year term as a member of the New York State Board of Regents.

The University of the State of New York, over which the board of regents presides, is the most comprehensive educational system of its kind in the world. It embraces all levels of education in New York State from kindergarten through graduate and professional schools as well as libraries, museums, and other such institutions and agencies for education as may be admitted to the university or incorporated by the regents. It consists of almost 5,000 elementary and secondary schools, both public and private, and more than 200 universities and colleges including the City University of New York.

Regent Matteoni, a resident of Bayside, N.Y., was originally elected as a regent from the Eleventh Judicial District on March 8, 1977. In her first term, Regent Matteoni served a vice chair of the regents Committee on Elementary, Secondary, and Continuing Education and as chair of the regents New York City Advisory Council. She also has served as a member of the Committee on Professional Discipline and as a member of the regents task force on State aid to the public schools.

A lifelong resident of Queens, Regent Matteoni attended public elementary school in Queens and Hunter College High School. In 1950, she was graduated cum laude with a bachelor of arts from Hunter College where she was elected to Phi Beta Kappa. Later, she earned an M.A. in Spanish and secondary education at Hunter College and a Ph. D. from New York University in educational psychology with a specialization in remedial reading.

From 1950–66, Regent Matteoni was a teacher in the New York City schools in Queens, first at Public School 166 and later at Public School 7 where she also served as acting assistant principal during the 1966–67 school year. In 1966, Regent Matteoni joined the faculty at New York University as an instructor and served as a lecturer at Brooklyn College from February through June 1968. She then served as an assistant and later associate professor. In 1975, she was appointed professor at Brooklyn College where she is program head of reading and learning disabilities.

She is the author, coauthor, or contributing author of several basal reading series and many articles in reading education and related fields. Regent Matteoni has served on many professional committees and is the current vice president-elect of the New York State Reading Association.

Mr. Speaker, at a time when much is said and written about what is wrong with education, it is a pleasure for me to bring to my colleagues' attention something that is very right with education. The residents of the State of New York are indeed fortunate to have an individual of Louise Mateoni's caliber and demonstrated commitment to excellence in education on the board of regents. I am sure that I am not alone in wishing Regent Matteoni the best of success in her second term.●

RETIREMENT OF MAJ. GEN. ROBERT L. SHIRKEY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. SKELTON. Mr. Speaker, on March 24, Maj. Gen. Robert L. Shirkey (USAR) will end a distinguished military career that spanned parts of six decades. I rise today for the purpose of apprising Members of Congress of this patriot's impressive list of accomplishments, military and civilian.

General Shirkey's military career began in 1939 with his enlistment in the Kansas Army National Guard. During World War II, he saw action in the Pacific theater as a rifle platoon leader, company commander, and Alamo Scout. Following his release from the service in 1946, General Shirkey joined the U.S. Army Reserve. He was recalled to active duty in 1951 and served as a platoon leader and company commander during the second Korean winter and summer-fall 1952 campaigns. In addition to other numerous awards and decorations, General Shirkey's conduct under fire earned him the Silver and Bronze Stars, the Meritorious Service Medal, and the Purple Heart.

After he was again released from active duty in 1952, General Shirkey serves as an instructor for the Infantry School, Command and General Staff College, and the Industrial College of the Armed Forces. He was appointed commander of the 917th Support Group, 102d U.S. Army Reserve Command in August, 1972. General Shirkey served in that capacity until November, 1975 when he was named deputy commander of the U.S. Army Military Personnel Center in Alexandria, Va. Since June, 1979 General Shirkey has served as commanding general of the 89th U.S. Army Reserve Command.

In civilian life, General Shirkey is a distinguished and respected trial attorney in Kansas City. He has been a most active and able member of the bar through the years, and he continues to make a great contribution to our system of justice.

As a decorated combat veteran and prominent attorney, General Shirkey's dedication to his country has been an inspiration to all who know him. I ask the Members of this body to join me in expressing gratitude and best wishes to this extraordinary American on the occasion of his retirement from the military.●

SAVE THE BUREAU OF APPRENTICESHIP AND TRAINING

HON. JOHN HILER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1984

● Mr. HILER. Mr. Speaker, today I am introducing a bill to prevent further reductions in force within the Bureau of Apprenticeship and Training (BAT) in the Department of Labor. Staff positions have been steadily reduced for BAT, and further reductions are scheduled for the future. I believe we must act now to preserve the Federal role in this vital program.

The National Apprenticeship Act was approved by Congress in 1937 to promote a national apprenticeship system. The Bureau of Apprenticeship and Training perpetuates the Federal tradition of encouraging labor and management to develop effective apprenticeship programs necessary to the training of competent tradesmen for industry. Field representatives for BAT in each State work closely with employers, labor unions, vocational schools, and others concerned with apprenticeship. Information on training methods and systems are provided to industry, and sponsors are assisted in the formulation of apprenticeship programs. Apprenticeship programs must be approved by the Bureau of Apprenticeship and Training or an approved State apprenticeship council in order to be registered. Compliance reviews are regularly conducted to insure that standards are being fulfilled.

This important Federal role is being threatened. The Bureau of Apprenticeship and Training is administered by the Employment and Training Administration (ETA) within the Department of Labor. In January 1984, the Bureau had 276 filled positions nationwide. ETA projects an end-of-year employment figure of 236 positions in 1984, and 227 positions by the end of fiscal year 1985.

These reductions must be prevented. If the Bureau is to operate effectively, the projected staff reductions cannot continue. Apprenticeship is vital to our Nation's economic growth. State agencies cannot guarantee a national standard for apprenticeship programs. A Federal presence is necessary to insure quality training for our tradesmen.

I urge you to join me in opposing further reductions in staffing for the Bureau of Apprenticeship and Training. We must protect this important training program which has stood the test of time for the last 50 years.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, March 15, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 16

9:15 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including elementary and secondary education, education block grants, and impact aid.

SD-116

9:30 a.m.

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold oversight hearings on proposed budget request for fiscal year 1985 for conservation and renewable energy programs of the Department of Energy.

SD-366

Finance
Taxation and Debt Management Subcommittee
To hold hearings on miscellaneous tax proposals, including S. 146, S. 1332, S. 1768, S. 1809, and S. 2080.
SD-215

Special on Aging
To hold hearings to review physician payment options under medicare.
SD-628

10:00 a.m.
Judiciary
Courts Subcommittee
To hold hearings on S. 2299, to prohibit fraudulent acts in connection with the offer or performance of adoption services, prohibit the payment of compensation over and above expenses for adoption services performed, and provide for civil remedies in the U.S. district courts for adoptive parents and birth mothers who are defrauded.
SR-325

MARCH 19

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To hold oversight hearings on commodity fraud investment schemes.
SD-342

2:00 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Bureau of Government Financial Operations, Bureau of the Public Debt, Bureau of the Mint, and U.S. Savings Bonds Division, all of the Department of the Treasury, and the Office of Personnel Management.
SD-124

MARCH 20

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including student financial assistance, student loan insurance, higher and continuing education, higher education facilities loan and insurance, college housing loans, and educational research and training activities overseas.
SD-116

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Credit and Rural Electrification Subcommittee
To hold hearings on S. 1300, to revise the liabilities and uses of the Rural Electrification and Telephone Revolving Fund.
SR-328A

Banking, Housing, and Urban Affairs
Federal Credit Programs Subcommittee
To hold oversight hearings on alternatives to budget treatment of Federal credit programs.
SD-538

Environment and Public Works
Transportation Subcommittee
To resume oversight hearings on the implementation of the Surface Transportation Assistance Act (Public Law 97-424).
SD-406

Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint Resolution 10, proposing an amendment to the Constitution of the United States relative to equal rights for women and men, focusing on the impact of the amendment on social security.
SD-226

Judiciary
Security and Terrorism Subcommittee
To resume closed oversight hearings on the activities of the Federal Bureau of Investigation, Department of Justice.
S-407, Capitol

Labor and Human Resources
Labor Subcommittee
To hold hearings on termination of overfunded defined benefit pension plan and reversion of assets to plan sponsors.
SD-430

Labor and Human Resources
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act (Public Law 89-73).
SD-628

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
SD-192

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Peace Corps.
S-126, Capitol

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Council on Environmental Quality, and the Environmental Protection Agency.
SD-124

Energy and Natural Resources
Business meeting, on pending calendar business.
SD-366

Governmental Affairs
Business meeting, to consider pending calendar business.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Library Services and Construction Act, and proposed legislation authorizing funds for programs of the Adult Education Act.
SD-562

1:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for foreign assistance programs.
S-126, Capitol

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Navajo Hopi Relocation Commission, and the Institute of Museum Services.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of the Treasury, U.S. Postal Service, and General Government programs.
SD-124

Armed Services
Military Construction Subcommittee
To hold joint hearings with the Committee on Appropriation's Subcommittee on Military Construction on S. 2364, authorizing funds for fiscal year 1985 for military construction programs of the Department of Defense.
SR-222

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings to review proposed budget requests for fiscal year 1985 for energy research programs of the Department of Energy.
SD-366

Select on Intelligence
Budget Subcommittee
To resume closed hearings on proposed legislation authorizing funds for fiscal year 1985 for the intelligence community.
S-407, Capitol

MARCH 21

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including special institutions, Howard University, the National Institute on Education, Education Statistics, Bilingual Education, and Libraries.
SD-116

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Architect of the Capitol.
S-128, Capitol

Commerce, Science, and Transportation
To hold hearings on the nomination of William Evans, of California, to be a member of the Marine Mammal Commission.
SR-253

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on S. 2181 and S. 2134, bills to authorize and define the

scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.
SD-538

Governmental Affairs
Permanent Subcommittee on Investigations
To resume oversight hearings on commodity fraud investment schemes.
SD-342

Judiciary
Security and Terrorism Subcommittee
To resume closed oversight hearings on activities of the Drug Enforcement Administration, Department of Justice.
S-407, Capitol

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold oversight hearings on the implementation of the food stamp program.
SR-328A

Appropriations
District of Columbia Subcommittee
To resume oversight hearings on activities of the District of Columbia Parole Board.
Room to be announced

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Highway Administration, and the Office of the Secretary of Transportation.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Federal Procurement, Office of Management and Budget, and the U.S. Customs Service, U.S. Secret Service, Bureau of Alcohol, Tobacco, and Firearms, and the Federal Law Enforcement Training Center, all of the Department of the Treasury.
SD-124

Energy and Natural Resources
To hold oversight hearings to review the report of the Commission on Fair Market Value Policy for Federal Coal Leasing.
SD-366

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

Judiciary
Juvenile Justice Subcommittee
To resume hearings on S. 2014, proposed Missing Children's Assistance Act, focusing on the reauthorization provisions for juvenile justice assistance.
SD-226

10:30 a.m.
Rules and Administration
To hold hearings on S. 1676, to establish guidelines to assure that registration and polling place facilities used for Federal elections are readily accessible to handicapped and elderly individuals.
SR-301

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Agriculture, focusing on the Soil Conservation Service, and Agricultural Stabilization and Conservation Service.
SD-192

Armed Services
Military Construction Subcommittee
To continue joint hearings with the Committee on Appropriation's Subcommittee on Military Construction on S. 2364, authorizing funds for fiscal year 1985 for military construction programs of the Department of Defense.
S-126, Capitol

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 1329, to provide financial assistance to States for wetlands conservation, focusing on sections 201 and 204, to extend until October 1, 1993, the authority for appropriations to promote the conservation of migratory waterfowl and to offset or prevent the serious loss of wetlands and other essential habitat.
SD-366

Judiciary
To hold hearings on pending nominations.
SD-226

Select on Intelligence
To hold closed hearings on intelligence matters.
S-407, Capitol

3:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Agriculture, focusing on the Commodity Credit Corporation, Foreign Agricultural Service, Office of International Cooperation and Development, and the provisions of Public Law 480.
SD-192

MARCH 22

9:00 a.m.
Office of Technology Assessment
The Board to hold a general business meeting.
S-207, Capitol

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on S. 1855, S. 1861, and S. 2292, bills to provide for continued access by the Federal Government to land remote sensing data from satellites (Landsat).
SR-253

Environment and Public Works
Transportation Subcommittee
To resume oversight hearings on the implementation of the Surface Transportation Assistance Act (Public Law 97-424).
SD-406

* Labor and Human Resources
Employment and Productivity Subcommittee
To hold oversight hearings on employment and productivity in the future of the steel industry.
SD-628

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Veterans' Administration.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Minerals Management Service, Department of the Interior, and the National Gallery of Art.
SD-138

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 2217, to exempt segments of the Interstate Highway System from the tandem trailer and large truck requirements of the Surface Transportation Assistance Act of 1982 if these segments are incapable of safely accommodating the larger vehicles.
SD-106

Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold hearings on H.R. 3169, to require the establishment of a program to enhance commerce in renewable energy technologies.
SD-366

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings to review the educational needs of native Hawaiian children.
SD-430

Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for Head Start programs.
SD-562

1:30 p.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold oversight hearings on the Office of Management and Budget Circular A122, to restore use of Federal funds

for lobbying by contractors and grantees.
SD-342

2:00 p.m.
Armed Services
Military Construction Subcommittee
To continue joint hearings with the Committee on Appropriation's Subcommittee on Military Construction on S. 2364, authorizing funds for fiscal year 1985 for military construction programs of the Department of Defense.
S-126, Capitol

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold oversight hearings to review proposed budget requests for fiscal year 1985 for nuclear energy programs and nuclear waste activities of the Department of Energy.
SD-366

MARCH 23

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of Health and Human Services.
SD-116

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Transportation Safety Board.
SD-138

Armed Services
Military Construction Subcommittee
To continue joint hearings with the Committee on Appropriations' Subcommittee on Military Construction on S. 2364, authorizing funds for fiscal year 1985 for military construction programs of the Department of Defense.
SR-222

Commerce, Science, and Transportation
To hold hearings on the nomination of Donald D. Engen, of Virginia, to be Administrator, Federal Aviation Administration, Department of Transportation.
SR-253

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Library Services and Construction Act, and proposed legislation authorizing funds for programs of the Adult Education Act.
SD-430

MARCH 26

9:00 a.m.
Commerce, Science, and Transportation
To hold hearings on the nomination of Dennis R. Patrick, of the District of Columbia, to be a member of the Federal Communications Commission.
SR-253

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1987, 1988, and 1989 for the Corporation for Public Broadcasting.
SR-253

Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

2:00 p.m.
Finance
To hold hearings to review the Social Security Advisory Council's recommendations on medicare trust solvency.
SD-215

MARCH 27

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Health and Human Services, including the Health Resources and Services Administration, and the Office of the Assistant Secretary for Health.
SR-428A

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.
SD-538

Commerce, Science, and Transportation
Business meeting, on pending calendar business.
SR-253

Labor and Human Resources
To hold oversight hearings on U.S. relations with the International Labor Organization
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for Navy aircraft of the Department of Defense.
SD-192

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-116

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Railroad Administration, Department of Transportation, and the National Railroad Passenger Corporation (Amtrak).
SD-138

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 1947 and S. 2183, bills to designate certain lands in the Great Smoky Mountains National Park as wilderness.
SD-366

Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Farmers Home Administration, Department of Agriculture.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Bureau of Indian Affairs, Department of the Interior.
SD-138

MARCH 28

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Health Care Financing Administration, Social Security Administration, and refugee programs.
SD-116

Commerce, Science, and Transportation
To hold hearings with the national ocean policy study on S. 2324, to insure that all Federal activities directly affecting a State's coastal zone will be fully consistent with that State's coastal management plan.
SR-253

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Blinded Veterans Association, Paralyzed Veterans of America, Military Order of the Purple Heart, and Veterans of WWI.
SD-106

9:30 a.m.
Appropriations
Defense Subcommittee
To hold open/closed hearings to review SALT II violations.
SD-192

Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

10:00 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the De-

partment of State and the U.S. Information Agency.
S-146, Capitol

10:30 a.m.
*Governmental Affairs
Civil Service, Post Office, and General Services Subcommittee
To hold hearings on S. 2115, to exempt participants in the executive exchange program from the Federal Criminal Code provision prohibiting employees and officers of the executive branch from receiving outside income, and S. 2262, to establish a Federal pay schedule for the police forces of the Washington National Airport and Dulles International Airport.
SD-342

2:00 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Postal Service.
SD-138

MARCH 29

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings in closed session on proposed legislation authorizing funds for fiscal year 1985 for the National Aeronautics and Space Administration, to be followed by open hearings.
SR-253
Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for shipbuilding programs of the Department of Defense.
SD-192
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Aeronautics and Space Administration.
SD-124
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of the Interior and the Bureau of Mines, Department of the Interior.
SD-138
Environment and Public Works
Business meeting, to consider pending calendar business.
SD-406

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Agriculture, focusing on the Federal Crop Insurance Corporation and the Rural Electrification Administration.
SD-124

MARCH 30

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including Human Development Services.
SD-116

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to review National Airport's scatter plan.
SD-106

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for fiscal years 1985 and 1986 for the U.S. Coast Guard, Department of Transportation.
SR-253
Energy and Natural Resources
To hold oversight hearings on U.S. participation in the international energy program.
SD-366
Finance
Health Subcommittee
To hold hearings to review the implementation of section 2175, to increase the efficiency of the medicaid program administration by allowing States to implement innovative approaches to providing care, and to enable States to receive waivers of certain programmatic requirements in order to implement these approaches, of Public Law 97-35.
SD-215

APRIL 2

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 3

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services.
SD-116
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on daytime broadcasting issues.
SR-253

9:30 a.m.
Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings on S. 910 and H.R. 559, bills to permit the Securities and Exchange Commission to assess civil penalties for trading in securities while in possession of material nonpublic information.
SD-538

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for Air Force aircraft programs of the Department of Defense.
SD-124
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Aviation Administration, Department of Transportation.
SD-138
Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Park Service, Department of the Interior.
SD-138
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 4

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services.
SD-116

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the

Federal Bureau of Investigation, Department of Justice, the Federal Trade Commission, and the Office of U.S. Trade Representative.
S-146, Capitol

Governmental Affairs
Information Management and Regulatory Affairs Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1985 through 1989 to carry out the provisions of the Paperwork Reduction Act (Public Law 96-511), to reduce Federal paperwork requirements and duplications, and consolidate statistical policy activities with information management in the Office of Management and Budget.
SD-342

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for manpower programs of the Department of Defense.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Interstate Commerce Commission.
SD-138

Veterans' Affairs
To hold hearings to review veterans' health programs.
SD-418

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985, the Food and Drug Administration, Department of Health and Human Services, and the Commodity Futures Trading Commission.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 5

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Centers for Disease Control and the Alcohol, Drug Abuse, and Mental Health Administration.
SD-116

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the inertial confinement fusion program of the Department of Energy.
SD-366

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Neighborhood Reinvestment Corporation, National Credit Union Administration, and the Office of Revenue Sharing (New York City loan program), Department of the Treasury.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Endowment for the Humanities, and the Economic Regulatory Administration, Department of Energy.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Commerce, Science, and Transportation
Merchant Marine Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the Maritime Administration, Department of Transportation.
SR-253

Labor and Human Resources
Family and Human Services Subcommittee
Business meeting, to consider proposed legislation authorizing funds for low-income energy assistance and Head Start programs.
SD-430

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 6

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings on S. 50 and S. 1672, bills to streamline trade relief procedures and make trade relief more accessible to small businesses.
SD-215

10:00 a.m.
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings to review the use of the media in drug abuse education.
SD-430

APRIL 9

10:00 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1278, to provide for a program of megnetohydrodynamic research, development, and demonstration with respect to the production of electricity, and S. 1925, to establish a national coal science, technology, and engineering program within the Department of Energy.
SD-366

APRIL 10

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Office of Inspector General, Office for Civil Rights, Policy Research, and Departmental Management, Salaries, and Expenses.
SD-116

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 2362, to revise certain provisions of the Mineral Lands Leasing Act of 1920, focusing on limitation on authority with respect to merger parties.
SD-366

Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the implementation of the Taft-Hartley Act.
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for space programs of the Department of Defense.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Coast Guard.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for fossil energy research and development programs of the Department of Energy.
SD-138

APRIL 11

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on S. 521 and S. 1924, bills to establish a criminal background check of individuals whose employment may bring them into contact with institutionalized children.
SD-226

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Urban Mass Transportation Administration, Department of Transportation.
SD-138

Environment and Public Works
Regional and Community Development Subcommittee
To hold oversight hearings on certain activities of the Tennessee Valley Authority, focusing on the cost of TVA power purchased by the Department of Energy.
SD-406

Labor and Human Resources
To resume oversight hearings on certain activities of the Legal Services Corporation, focusing on past and present policies at the corporation, including political activity.
SD-430

APRIL 12

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 1407, to provide procedures for the registration and licensing of motor vehicles when ownership is transferred in interstate commerce.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for Army modernization programs of the Department of Defense.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Emergency Management Agency, and the Federal Home Loan Bank Board.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Strategic Petroleum Reserve, and the Naval Petroleum Reserves.
SD-138

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for programs of the Library Services and Construction Act.
SD-430

APRIL 24

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1985 and 1986 for programs of the Hazardous Materials Transportation Act, Natural Gas Pipeline Safety Act, and the Hazardous Liquid Pipeline Safety Act.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1985 for intelligence programs of the Department of Defense.
S-407, Capitol

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title XX (adolescent family life demonstration projects).
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Geological Survey, Department of the Interior.
SD-138

APRIL 25

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold oversight hearings on child sexual abuse.
SD-226

APRIL 26

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for National Guard and Reserve units of the Department of Defense.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Housing and Urban Development.
SD-124

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Smithsonian Institution.
SD-138

Environment and Public Works
To hold hearings to review the proposed refinancing of the Kennedy Center bonded indebtedness to the Department of the Treasury.
SD-406

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title XX (adolescent family life demonstration projects).
SD-430

APRIL 30

2:00 p.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Supreme Court, and the Arms Control and Disarmament Agency.
S-146, Capitol

MAY 1

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the De-

partments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the joint weapons program of the Department of Defense.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-138

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Park Service, Department of the Interior.
SD-138

*Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Oceanic and Atmospheric Administration, Marine Mammal Commission, and the Small Business Administration.
S-146, Capitol

MAY 2

9:30 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Justice, and the Legal Services Corporation.
S-146, Capitol

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-138

Veterans' Affairs
Business meeting, to mark up proposed legislation authorizing funds for veterans' health benefit programs.
SR-418

MAY 3

9:30 a.m.
Labor and Human Resources
To hold hearings on S. 2117, to establish the national vaccine-injury compensation program as an elective alternative remedy to judicial action for vaccine related injuries.
SD-562

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
SD-192

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for U.S. territories.
SD-138

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-124

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).
SD-430

MAY 7

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.
SD-124

MAY 8

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.
SD-124

Labor and Human Resources
Family and Human Services Subcommittee
Business meeting, to consider proposed legislation authorizing funds for programs of the Public Health Service Act, including title X (family planning), and title XX (Adolescent Family Life Act).
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Surface Mining, Department of the Interior, and the U.S. Holocaust Memorial Council.
SD-138

MAY 9

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

Veterans' Affairs
To hold hearings on veterans' compensation programs.
SR-418

MAY 15

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To holding hearings on S. 2329, to improve retirement income security under private multiemployer pension plans and to remove unnecessary barriers to employer participation in those plans by modifying the rules relating to employer withdrawal liability, asset sales, and funding.
SD-430

MAY 17

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 2329, to improve retirement income security under private multiemployer pension plans and to remove unnecessary barriers to employer participation in those plans by modifying the rules relating to employer withdrawal liability, asset sales, and funding.
SD-430

MAY 22

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on alleged corruption by officials of the Boilermaker's Union.
SD-430

MAY 23

10:00 a.m.
Veterans' Affairs
To hold oversight hearings on the interagency agreement between the Veterans' Administration and the Department of Defense, focusing on sharing and supply and procurement policies.
SR-418

JUNE 6

10:00 a.m.
Veterans' Affairs
To hold oversight hearings on the activities of the Inspector General and Medical Inspector of the Veterans' Administration.
SR-418

JUNE 13

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JUNE 19

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and

the general public during labor disputes.

SD-430

JUNE 20

9:30 a.m.
Labor and Human Resources
To continue oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.

SD-430

10:00 a.m.
Veterans' Affairs
Business meeting, to mark up proposed legislation relating to veterans' compensation, and a proposed construction resolution.

SR-418

CANCELLATIONS

MARCH 15

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed legislation authorizing funds for local rail service assistance programs of the Department of Transportation.

SR-253

APRIL 3

10:00 a.m.
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Institute on Drug Abuse, and the National Institute on Alcohol Abuse and Alcoholism.

SD-430